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of the material placed before us and of the representations which we received in every province on matters of detail affecting the delimitation of individual constituencies.

*The Committee's task.*

4. The task which our Committee was required to discharge is briefly the preparation of a complete scheme of delimitation of the constituencies, whether territorial constituencies or constituencies allotted to representatives of special interests, in the legislatures to be established under the provisions of the Government of India Act. Our terms of reference further contemplated that we should investigate a variety of minor, but important and difficult, questions which are connected with the main problem of delimitation, and make recommendations regarding them. We may instance the method of voting to be adopted in plural member constituencies, the qualifications of electors and of candidates in the constituencies to be established for the representation of special interests ; and the controversial and delicate questions which arise out of the electoral arrangements under the Poona Pact. In one respect, our labours have been lightened. His Majesty's Government had originally contemplated that we should advise them on the qualifications to be prescribed for electors in the Chief Commissioners' provinces. They subsequently decided that it would be preferable that they should themselves reach a decision on this question, and our recommendations regarding Chief Commissioners' provinces are confined accordingly to the delimitation of the constituencies in those provinces.

*Steps taken to elicit public opinion.*

5. His Majesty's Government drew our special attention to the importance of ensuring that, in framing our recommendations, our Committee should do so with a full appreciation of the various currents of public opinion, and in particular of those factors which affect the position of minorities and special interests. It will not be amiss to indicate briefly the procedure which we decided to adopt, with a view to ensuring that in reaching our conclusions we were fully seized of all aspects of the questions before us. We may, in the first place, explain that in conducting our enquiries, we had the advantage of a long and intensive period of preparation on the part of local Governments. While it was of course impossible for them to formulate final recommendations as regards the delimitation of constituencies, until parliamentary approval had been given to the Government of India Bill, the various local Governments concerned had made certain preliminary investigations, with the assistance in most cases of representative committees largely composed of members of the provincial legislatures and of representatives of special interests, who were competent to speak with authority on the more technical matters calling for examination.

6. When we started our tour, we thus found available to us a mass of material representing the results of investigations which had been conducted over a period of two years or more on a provisional basis by the local Governments concerned and by the Provincial Delimitation or Advisory Committees, which had in all provinces been established to assist them-

presents varieties of climatic conditions such as may be expected in an area stretching from the Himalayas almost to the equator, and which contains people of different races speaking different languages, with different historical backgrounds. The difficulties, and indeed the dangers, of aiming at an artificial uniformity in dealing with a country, in different parts of which conditions are so markedly divergent, were emphasised by His Majesty's Government in their terms of reference to us.

*Impracticability of uniformity.*

9. It would have been pleasant, if as a result of our rapid tour through the sub-continent of Hindustan, we could have reported certain uniform principles which might govern generally the delimitation of constituencies. Unfortunately this is not the case. Our investigations in the various provinces have brought home very forcibly to us the radical differences in provincial conditions and the importance of giving the fullest weight to provincial feeling in the details of both delimitation and the election of members to the Legislatures. These differences are based on experience of electoral arrangements extending over a period of fifteen years and on a full appreciation of the vital importance of the decisions now to be taken in their effect on future political arrangements. We have been compelled to recognise the impracticability of applying any uniform principle even in matters so important and so general in their bearing as the question of multi-member or single-member constituencies, the method of voting to be adopted, or the basis on which representation is to be accorded to urban and rural areas. We deal with these two questions of principle in some detail in succeeding chapters. As other instances of divergent opinions, we found in Bombay a desire that all labour constituencies should be formed from trade unions, while in Madras the local Government considered no trade union should be used for this purpose. Madras and the Central Provinces desired that the University constituency should be restricted to the Senate, while elsewhere it was proposed that graduates should have the vote in this constituency. In Bihar and Orissa and in Madras there was a strong desire for the single non-transferable vote, the Punjab preferred the distributive, and Bombay the cumulative vote. Anxious as we have been to apply so far as possible the same governing principles in each of the provinces we have visited, it has proved impossible to do so without a complete disregard of the actual situation with which we found ourselves confronted. Provincial differences go very deep, and, while we have endeavoured to apply a common principle wherever possible, more particularly in the case of the seats reserved for special interests, we wish to emphasise that in so far as we have departed from that ideal, and have been compelled to adopt apparently conflicting principles in the case of individual provinces, we have done so only because we are satisfied, after full discussion with the local Governments, with the provincial Committees, and with representatives of public opinion in the provinces, that the recommendation we have framed is that which best corresponds to provincial needs and desires and represents, to the best of our belief, the nearest approach to a general consensus of public opinion.

important matters to be taken into consideration will be the desirability of making the representation of town and country in the legislatures proportionate to the population in each. The matter will also come up for consideration in mixed constituencies consisting partly of urban and partly of rural areas. In Bombay, for example, it would be advisable, other things being equal, to arrange constituencies so that urban areas will not have a preponderating influence in mixed constituencies, while in Madras, on the other hand, where rural voting strength is the greater, it may be found desirable to give some weightage to urban areas in the distribution of seats".

*The views of local Governments.*

14. The recommendations that we have received from local Governments show that the provinces fall, broadly speaking, into two schools. The first school proceeds on the basis of population ; the second, on the inclusion in urban constituencies of all areas under municipal self-government.

At the outset of our enquiry, we were disposed to think that there would be advantage in achieving, if possible, a measure of uniformity as between the different provinces on this question of urban and rural representation. Our aim was to ensure (a) that no area should be included in urban constituencies which did not possess fairly definite urban characteristics ; (b) that in any case in which a large unit with a substantial population fell to be considered for inclusion in rural constituencies, on the ground that its claim to inclusion in the urban category was doubtful, we should see that, if it was necessary to include it in a rural constituency, the urban element should not dominate the rural in that constituency.

*The criterion to be applied.*

15. The first question for consideration is the criterion to be applied in distinguishing urban from rural. As stated above, the Indian Franchise Committee, for the purpose of estimating the relative proportions of urban and rural in the electorate, took the only standard readily available without an exhaustive enquiry into this subject, *viz.*, the standard of 5,000 adopted by the census authorities. Difficult as it may be to find a satisfactory general dividing line between urban and rural, we are entirely satisfied in the light of the close and detailed study which we have given to this matter with the various provinces concerned that such a criterion cannot be regarded as suitable. Its uniform application would result in the inclusion in the urban constituencies in many provinces of a mass of units which are little more than large villages, which possess no urban characteristics of any sort, which cannot on any reasonable construction of the word be regarded as urban, and the addition of which would overload the urban constituencies with alien elements, and might in certain provinces add very substantially to the difficulties of candidates and members in urban constituencies.

16. On the one hand, it may be urged that a population minimum of say, 10,000 is sufficiently high to ensure that no urban elements of

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as country or market towns, the inhabitants of which are almost all directly or indirectly interested in agriculture. It is only in the city of Madras that such characteristically urban problems as overcrowding and slums become apparent."

The local Government added that "but for the fact that certain towns already enjoyed urban representation, and that it was apparently the general assumption that under the new constitution separate provision must be made for urban areas, they would not have considered it necessary on the ground of a conflict of interests between urban and rural areas to recommend separate urban representation for any town except those which contained an appreciable industrial element in their population". The recommendations they have made to us are based on the inclusion in the urban areas of a small number of towns, in some cases grouped together, none of which has an aggregate population of less than 50,000.

#### BENGAL.

20. In Bengal, on the other hand, the Government agree with their Advisory Committee that "the urban areas of Bengal should be the municipal and cantonment areas ..... 'Urbanization', or the urban outlook, no longer implies large areas or large populations. It is much more intimately connected with the system of local government". Hence, in Bengal, it is considered desirable to include in the urban constituencies small municipalities with a population of only 2,000 or 3,000, and the local Government produced the following reasons in the circumstances of their province against a dividing line based on any given population figure.

"The position in Bengal thus is that if 5,000 population were adopted as the criterion for the standard urban area, the Government of Bengal would have to omit 12 out of 119 municipalities and replace them by 10 non-municipal towns. The exclusion of the municipalities is opposed by Government not only on the general ground of principle, but also for the reason that differentiation against the smaller areas would not only be strongly resented by them, but would in cases lead to the disenfranchisement of areas which at present enjoy the franchise, some of which are, in spite of their population, definitely urban in character.

"It is significant that not one of these small municipalities has demanded a change in its status, which under the law, such municipalities are empowered to do.

"Secondly, as regards the towns which are not municipalities, Government are of the opinion that owing to their different system of government they should not be included in urban constituencies. The number is not large, and, as already stated, there are special circumstances which account for the population in some of the cases. Were they linked up with municipalities, they would be joined with organisations the interests of which in taxation and general administration would be quite different from theirs. It has to be added that the inclusion of non-municipal

a majority of the Provincial Advisory Conference recommended "that all the towns which are the headquarters towns of districts and are municipalities, even if their population is below 25,000, should also be included in the urban constituencies". The Government, with the support of a minority in the same conference, regarded this recommendation as unsound, but for a reason which is not without its own interest and importance in the present connection. "Persons", they remark, "living in the headquarter towns with a population of below 25,000 would have practically no chance of securing election, as they would be in a hopeless minority in comparison with the larger towns with which they would be linked up. The inhabitants of such towns have a better chance of representation by remaining in the rural electorate. The proposal to include the eighteen headquarter towns is, in the opinion of the United Provinces Government, illogical and based on no clearly defined principles. Other towns might put forward equally good claims for inclusion, and the result would probably be a demand for a larger number of urban seats. This Government have taken great pains to secure an even balance between urban and rural representation, and would be unwilling to see any further increase in the number of urban seats".

#### THE PUNJAB.

23. In the Punjab, on the other hand, the local Government, with whom we have discussed this matter in great detail and on whom we strongly urged the importance of securing that only genuinely urban elements were included in the electorate, remain firmly of opinion that all towns, however scattered, with a population of 7,500 or over should be included in urban areas. They state that the "division of constituencies between urban and rural" on this basis "is not merely proposed for the purpose of electoral convenience. It represents a very definite and marked cleavage of political opinion in the province. . . . The distinction between urban and rural is not confined to any community". The question is regarded as one of vital importance, and we deal with it in detail in paragraphs 139 to 153 of our Report.

#### OTHER PROVINCES.

24. The problem is of no great practical importance in the remaining provinces. In Bihar, the urban elements are inconsiderable, amounting as they do, on the classification of 5,000, to only one-twelfth of the total population, and, on the classification of 7,500 actually adopted by the local Government, to still less than this. In the Central Provinces, the same is broadly speaking true. The urban population, adopting the criterion of 10,000 which the local Government recommend, amounts to less than 10 per cent. of the total. Assam has only three towns with a population in excess of 20,000 and none of these contains a population of more than 27,000. In the North-West Frontier Province, the problem, though acute, is not on a major scale. In Orissa, the urban element is so negligible that the local Government recommend that no urban constituencies should be formed, while in Sind, where the problem is confined



## CHAPTER III.—SINGLE OR MULTI-MEMBER CONSTITUENCIES.

*Our instructions.*

26. Our terms of reference point out that this question is one which will call for consideration in connection with the delimitation of certain of the territorial constituencies. His Majesty's Government at the same time express the view that they "are disposed to think that, save where the establishment of multi-member constituencies is necessitated by the reservation of seats (as in the case of the scheduled castes and of the Mahrattas in Bombay) or for other special reasons, there would be advantage in each constituency returning a single member". They add, however, that the matter is one which our Committee will no doubt consider in the light of local conditions and of the views expressed by the various provinces concerned.

*Previous history.*

27. The question is one which has not been found to admit of uniform treatment in all provinces under the present constitution. The Southborough Committee, whose proposals on this point were accepted by Parliament, remarked in paragraph 13 of their Report that "in view of the fact that the franchise will be extended to a large proportion of electors inexperienced in the exercise of the vote, we consider that it is necessary at present to adopt the most simple method of election. Thus, we contemplate as a general rule single member constituencies, but our detailed proposals leave a latitude to the local Governments in cases where a rigid insistence on this rule is unsuited to the local conditions, especially in the Presidencies of Madras and Bombay, where special circumstances may make it desirable to form plural member constituencies".

28. Exercising the discretion given them by the recommendations of the Southborough Committee the Governments of Bombay, to a very large extent, and Madras, in the case of general seats almost exclusively, based their existing Legislative Councils on plural member constituencies, the number of seats in those constituencies varying from two to three. The remaining provinces, without exception, adopted single member constituencies, and, at the time of the enquiries of the Indian Franchise Committee, they strongly re-affirmed their preference for this method of representation, irrespective of any advantages which may be held to accrue from the adoption of the multi-member system.

29. The Indian Franchise Committee did not examine the matter in any detail; they confined themselves to remarking that "if separate electorates are adopted for any community, the constituencies so created must be single member constituencies, as otherwise they would be quite unmanageable in size. It is also clear that if any system of reservation of seats in joint electorates is adopted it necessarily implies multi-member constituencies, as it is impossible to reserve seats for members in single-member constituencies" (paragraph 367). And by a majority they recommended that, as at present, Mahrattas in Bombay should continue

difficult for electors to secure redress for their grievances, or to voice their opinions effectively in the legislatures. The limited area of the single member constituency (which *ex hypothesi* will as a general rule be approximately half the size of a dual member and one quarter the size of a four-member multiple constituency) is convenient administratively, and has the great advantage of reducing the difficulties of canvassing in the case of a candidate, and of maintaining contact with the electorate in the case of a member. Single member constituencies help the healthy development of the party system, a consummation much to be desired in the interests of future political development in India. They are less expensive and save delay, and they are better calculated to produce stable majorities. The risk that minorities may secure a less adequate representation than would be possible under a system of multi-member constituencies is admitted. But it is claimed that the other advantages of single-member constituencies are so overwhelming as to constitute a strong argument for their universal adoption except in those cases in which a multi-member constituency is necessitated by such factors as the existence of scheduled caste seats, or the reservation of seats for Mahrattas, or backward tribes.

33. The upholders of both systems unite in claiming for the system they uphold, that it reduces the chances of corruption. The advocates of single-member constituencies base themselves on the ground that corruption will more easily come to light when it is a question of a limited area and when there is one seat only to be filled. The advocates of multi-member constituencies, on the other hand, represent that, given the very much larger area, population, and voting strength, to be expected in a multi-member constituency, the chances of corruption are reduced to a minimum, because of the impracticability, save at prohibitive cost, of corrupting sufficient electors to make any material difference to the result of an election. Both claim that it will remove caste distinctions, and accelerate the development of a party system.

34. While we had before us the example of the Southborough Committee, and while we were assured that a system of plural member constituencies had, since the date of the introduction of the reforms, worked with conspicuous success in Bombay, and had been in operation without leading to any breakdown in Madras since the same date, we were nevertheless not without hope that it might be possible to achieve uniformity throughout the various Indian provinces in this matter. We regret to say that this ideal has not proved capable of achievement.

35. No difficulty, of course, arises in the case of constituencies in which seats are reserved for scheduled castes, Mahrattas, backward tribes or women. These must inevitably be plural member constituencies. As regards the general territorial constituencies in which no seat is reserved, we have to report that while in one or two cases a local Government has proposed an isolated multi-member constituency, with the exception of Bombay, every local Government and every Provincial Committee, (though in the case of Madras by a majority only), were generally in favour of the establishment, as a general rule, of single-member

the public demand in Bombay for multi-member constituencies is really strong, and that it could be ignored only at the cost of disregarding the desires and expressed opinions of all important parties in the Presidency. We hesitate to submit a recommendation markedly in opposition to the general desires and opinions of an ancient and historic Province, more particularly when, in supporting that recommendation, the local Government are in a position to advance cogent arguments based on the peculiar position of the Presidency and on the experience of fifteen years. We have no hesitation in these circumstances in recommending that the proposals of the Government of Bombay be accepted, and that the principle of multi-member constituencies be adopted, in the case of that Presidency. Such minor alterations of detail in the composition of individual constituencies as we think it necessary to recommend, in the light of our investigations, will be dealt with in the section devoted to Bombay in Chapter IV of our Report.

#### MADRAS.

39. We now turn to the case of Madras, where the problem of the type of constituency to be recommended is one of considerable difficulty, and by no means free from controversy. The decision is one which is intimately connected with the system of voting to be adopted in multi-member constituencies, a matter with which we deal in the latter part of this chapter. Subject to that reservation, we think it is possible to examine the general question without entering at this stage into the relative methods of voting systems.

Madras, under the existing constitution, has had a large proportion of reserved seats and so of multi-member constituencies. Those reserved seats were established in the interests of safeguarding the non-Brahmin community. In addition to the seats so reserved (which may be regarded as corresponding in kind to the seats which will in future be reserved for the members of the scheduled castes) they created in 1920, with the approval of Parliament, a small number of additional multi-member constituencies. In the light of experience of those constituencies during the last fifteen years, the local Government, with the support of the majority of their Provincial Committee, have recommended to us that multi-member constituencies should be abolished and replaced by single-member constituencies, except where they are necessitated by the reservation of seats for scheduled castes. With their recommendation they have, however, communicated to us the closely reasoned argument of an important minority in the Provincial Committee, which contains amongst others one former Chief Minister, in support of the establishment of multi-member general constituencies, accompanied, however by a distributive system of voting.

40. The arguments of the minority are based essentially on the desirability of securing adequate and reasonable treatment for minorities in the Presidency. The minorities which they have in view are not, it appears, minorities such as those envisaged by the Government of Bombay—Jews, Parsees, Jains—but minorities within the Hindu fold. Caste

previous opinion: and we found that a consideration of dominating importance with them was the production of a strong party government, and that they regarded it as of more importance to produce a majority of such a character as to guarantee a stable government, and to avoid changes of government which could not but enure to the disadvantage of the harmonious working of the new constitution in its earlier years, than to produce a scheme which would ensure beyond dispute that every minority, however small, should have some hope of securing representation. The local Government were not satisfied, apart from this, that there was any case for affording special protection to minorities within Hinduism. In their view, all that was necessary in the way of protection for minorities was that afforded by those provisions of the Government of India Act which reserved seats for women, for the scheduled castes, for the representatives of the backward areas and tribes, and for labour.

*Our recommendations.*

43. We fully admit the force of the arguments advanced by the local Government. But we are of opinion that given the intensity, the bitterness, and the importance of inter-caste strife in Madras, there is, at any rate under present conditions, a strong case for taking steps to remove it. We are satisfied, apart from this, that, despite the opposition of the Government and of the majority of the Delimitation Committee, the current of public opinion in the Presidency which demands multi-member constituencies is too strong lightly to be ignored. On a consideration of the problem as a whole, and with the fullest appreciation of the objections to rejecting the considered opinion of a local Government on a matter such as this, we have therefore decided to recommend the creation of a certain number of multi-member general constituencies in Madras in addition to those proposed to us by the local Government and to those necessitated by the reservation of seats for the scheduled castes. But we are of opinion that, save where a seat is reserved for the scheduled castes, in no case should the constituencies in question contain more than two seats, and on this basis we are satisfied that no administrative difficulty of any consequence will occur in holding the elections. We have been furnished with an alternative scheme on the lines to which we have referred above by the local Government, whose willing co-operation, even in opposition to their considered opinion, we gratefully appreciate. Our recommendations in the case of Madras are accordingly based on the alternative scheme of multi-member constituencies prepared by the local Government in response to our request.

*Methods of voting.*

44. Although we have not hitherto referred to this question save cursorily, it is one of decisive importance as affecting, in the case both of Madras and Bombay, the question whether constituencies shall be multi-member or single-member, and, familiar as the subject is, we feel justified in examining the various systems, in some little detail, before we record our recommendation as to the method of voting which should be

of its adoption. It is of course the simplest form of voting and one well suited to an illiterate electorate. It also saves an immense amount of time in counting. It is possible, moreover, to use it without inconvenience in the case of certain of the constituencies set aside for representatives of special interests. We have, in these circumstances, recommended its adoption in a certain number of cases, the details of which will be found under the sections allotted to the various provinces in Chapter IV of our Report. But beyond this we found ourselves, in the light of our discussions with Provincial Committees and provincial Governments, unable to go.

*The distributive vote.*

48. Under the distributive system of voting, the elector has as many votes as there are seats, but can give one vote only to any one candidate. We found that considerable interest was taken in certain provinces in the question of the distributive vote, and that there was a not unimportant degree of support for its employment in cases in which seats were reserved in a multi-member constituency.

It was advocated in its compulsory form in connection with constituencies containing reserved seats, where, so it was suggested, the voter might be given different coloured ballot papers to ensure a division of his two votes between the scheduled caste and the caste Hindu candidate. So far, however, as the scheduled caste constituencies are concerned, we are of opinion that the distributive vote is open to much the same criticism as the single non-transferable vote, and to the risk in practice that the compulsory assignment of the votes would in effect emphasise the separate character of the representation accorded. We admit that it is not perhaps of decisive importance, and that it may well be argued that when there is a multiplicity of scheduled caste candidates, a member of the scheduled castes would distribute his votes between those scheduled caste candidates according to his preference. Alternatively, it is possible that he might distribute his votes between the caste Hindu candidates, if more than one in number. These are possibilities. But we do not regard it as probable that there will be a multiplicity of scheduled caste candidates, save possibly in Bengal. We feel that votes will as a rule, given Indian conditions and the past history of this question, be divided according to the caste of the elector between the caste Hindu and the scheduled caste candidate, and we regret that, in these circumstances, we are unable to recommend the adoption of the system for scheduled caste constituencies.

49. As regards the other multi-member constituencies, we are not in favour of the adoption of the distributive vote, and we are of opinion that any advantages it may have are more than outweighed by the very definite advantages which we see in the adoption of the cumulative system of voting in multi-member constituencies.

*The cumulative vote.*

50. Under this system, the elector has as many votes as there are seats, but may plump them all for one candidate, or distribute them over

favour of that system. But the objections which we see to the single non-transferable vote, where there is any question of seats reserved for the scheduled castes, and which are, in our opinion, decisive, have been set out above. We do not in the light of the very strong support given to the cumulative system of voting by the Government of Bombay, with their long experience of it, consider that the risk of confusion is a real one, or that the administrative difficulties involved in its adoption are really serious. It is in these circumstances that we submit our recommendation, that, save where a local Government strongly urges that the single non-transferable vote should be employed in the case of an individual multi-member constituency in which no seat is reserved, the cumulative method of voting should be generally adopted in multi-member territorial constituencies. In Orissa we have, for example, made an exception in the Berhampur constituency, where there is no seat reserved for the scheduled castes, and where the intention is to protect the Telegu minority. Similarly in the Singhbhum, and backward tribal constituencies in Bihar, we agree that the single non-transferable vote might be used with advantage.

*Constituencies reserved for special interests and women to be dealt with separately.*

57. With the general principles governing the allocation of the seats assigned to representatives of special interests and of women in the Provincial Legislative Assemblies, and, in so far as this may be necessary, with the qualifications to be prescribed for electors and candidates in those constituencies, we propose to deal in detail in separate chapters of our Report, in which we shall set out not merely the principles in question, but the detailed proposals of the various local Governments in respect of each of the special interests concerned and our recommendations regarding them. Such references as appear in the present chapter to the constituencies allotted to representatives of special interests (including women and the scheduled castes) are therefore of a cursory nature.

*The general basis of our proposals.*

58. Before turning to a detailed examination of the proposals of individual Governments, we may remark that we have endeavoured so far as possible to base our proposals on recognised administrative units, whether the *tahsil*, the *thana*, the *taluk*, the district, or the division; and that we have adopted the principle that it is undesirable in any case to reduce the number of seats assigned to urban areas, or to a special interest, below the number so assigned in the existing Legislative Councils. Broadly speaking, we have as a rule taken population as the general basis of our proposals. But we have not failed to take into account such special conditions as area, voting strength, and the difficulty of communications, where we regarded the case for giving weight to those considerations as justified by the special circumstances of any individual case.

We now turn to a detailed analysis of the proposals of the various local Governments.

*Proposals of the local Government.*

61. There will be 215 seats in the future Provincial Legislative Assembly in Madras. Of these, 146 are general seats (30 of this number being reserved for the scheduled castes), 28 are allotted to representatives of the Muhammadan community, two to Anglo-Indians, three to Europeans, eight to Indian Christians and one to representatives of backward areas and tribes. The remaining seats are allotted to representatives of special interests. They include eight seats (six general, one Muhammadan and one Indian Christian) assigned to representatives of women.

62. The proposals submitted to us by the local Government are based, broadly speaking, on the inclusion in urban constituencies of those towns only which in their view possess indisputable urban characteristics, a total of sixteen in all. The remaining towns, irrespective of their size, will be included in the rural constituencies. On the basis of population urban areas would be entitled, on the ratio of the population of all municipalities to the total population, to some fifteen seats out of the 182 allotted to the general, Muhammadan, and Indian Christian communities (excluding women). In the interests of securing a reasonable balance of urban and rural representation it is in fact proposed to allot fifteen general and two Muhammadan seats to urban constituencies, in addition to five of the eight seats assigned to representatives of women. The local Government further recommend that, save where multi-member constituencies are necessitated by the reservation of seats for the scheduled castes, or by the impracticability of conveniently dividing a large revenue division, the territorial constituencies in the Presidency should be single member. The scheduled caste constituencies have been allotted, under their proposals, to those areas in which their population is largest. The average area and population of the general and Muhammadan constituencies under the present constitution and the proposals of the local Government as finally amended in the light of discussion with us are as follows :—

	General.		Muhammadan.	
	Existing	Proposed.	Existing.	Proposed.
Area (Sq. miles.)	2,031	1,093	2,154	615
Population ..	586,930	301,674	814,820	242,168

NOTE.—The ratio of urban to rural seats will be approximately 1 to 10.7, while the ratio of urban population to rural population, on the basis of the census figure, will be 1 to 12.

*Proposed representation of urban areas.*

63. The effect of the proposals submitted to us by the local Government was to set aside (in addition to two of the general seats reserved

selection of areas which were decisively urban in character as the basis of their urban constituencies, we felt considerable difficulty in accepting as satisfactory without further explanation a scheme under which a number of units with a population running into thousands (and in one case a population of no less than 61,000) would be cast into rural constituencies. The objections which we saw were two-fold. In the first place, we found it, on the face of it, extremely difficult to feel confident that units with so large a population did not possess urban characteristics such as would justify their inclusion in urban constituencies. Secondly, it seemed to us at least equally open to question whether the effect of throwing these large and relatively compact units of population into rural constituencies would not result in the domination of those constituencies by the urban element. After further consideration, it seemed to us, however, that it should be not impossible to devise a modified scheme which would meet the wishes of the local Government and our criticisms of it. The general effect of that scheme would be to gather into ten groups all the municipalities in the province with a population of over 25,000. The groups would be formed so far as possible by a combination of certain districts, which the Provincial Delimitation Committee, with their local knowledge of the conditions of Madras, had originally recommended as being suitable to form the basis of such a combination. In these circumstances, we explained to the local Government the difficulties we felt, and we invited them, failing a resolution of these difficulties, to consider either the alternative scheme which we had put forward, or some modification of their original proposal, so as to bring it into closer harmony with the broad principles indicated in our terms of reference.

67. The local Government, to whose readiness to assist us in this matter we desire to pay the fullest tribute, found themselves, however, unable, as a result of further discussion with our Committee, to recommend any material modification in their original proposals. Broadly speaking, their attitude was that there was no question of urban and rural in Madras ; and that had they had a free hand, they would have recommended the abolition of urban constituencies altogether, and (with the possible exception of Madras City) would have divided the whole of the area of the Presidency into territorial constituencies in which no distinction would be made between urban and rural. They urged very strongly that while at first sight the proposals which they had put forward might appear unsatisfactory, when viewed from the standpoint of Parliament or of critics unfamiliar with Madras, still that criticism, based essentially on British parliamentary conditions, and so ultimately on electoral and economic conditions in Great Britain, could not reasonably be regarded as necessarily valid in the very different conditions of the Madras Presidency ; that their proposals (and we are bound to admit that the evidence at our disposal entirely supports their suggestion) had been universally accepted in that Presidency ; and that, therefore, having regard to all the circumstances, to the very full explanations which had been furnished by the local Government as to the special conditions to meet which their proposals had been framed, and to the impossibility of devising any equally satisfactory alternative scheme

is not in our view excessive, even if the three women's constituencies to be located in urban areas are taken into account: it represents a ratio of 1 : 7½ as against a ratio between urban and rural population of 1 : 6.

70. The local Government, finally, in addition to certain other alterations which we regard as improvements, have so rearranged their women's seats (as explained in paragraph 346 of our Report) as to increase by one the number of those seats assigned to urban areas, and to secure that, if only by means of these seats, certain areas of a semi-urban character, which, under their proposals, have been excluded from the urban constituencies shall receive a degree of urban representation.

71. Despite the doubts which we entertain as to the entire suitability in all respects of the arrangements proposed by the local Government, we feel that the matter is not perhaps one of sufficient importance to justify a radical alteration by us of a scheme which, in the opinion of those who will have to work it, and of those whose parliamentary representation it must vitally affect for a number of years to come, seems in fact likely to be well suited to the particular conditions of the province. In these circumstances, we recommend for acceptance the local Government's proposals with the modifications to which we have referred above. The effect of these proposals will be to allot one urban seat to each of the following towns or groups of towns:—

			Population.	No. of seats.
Vizagapatam	..	..	51,299	1
Cocanada	..	..	60,948	1
Masulipatam-Fezwada	..	..	95,961	1
Guntur-Tenali	..	..	73,661	1
Madras City	..	..	523,077	5
Tanjore-Kumbakonam	..	..	113,733	1
Madura	..	..	158,731	1
Tinnevelly-Palamcottah	..	..	79,012	1
Coimbatore	..	..	80,241	1
Salem	..	..	91,271	1
Trichinopoly-Srirangam	..	..	127,521	1

72. In addition one Muhammadan seat will be assigned to Madras City, the Muhammadan population of which is 70,031, and one to the municipalities of Calicut, Cannanore, and Tellicherry, on the West coast of the province, with a Muhammadan population of 60,728; the three general women's seats will, as explained in chapter VI of our Report, be assigned respectively to the urban areas of Madras City, Ellore, and Tellicherry *cum* Calicut; one Muhammadan woman's seat will be assigned to Madras City; and the seat reserved for an Indian Christian woman will be allotted to the municipalities of Tinnevelly, Palamcottah, and Tuticorin.

## II.—BOMBAY.

74. *Statistics.*

Area .. .. .. .. .. ..	77,221	sq. miles.
Number of Divisions .. .. .. .. ..	3	
Number of Districts .. .. .. .. ..	19	
<b>Population—</b>		
Total population .. .. .. .. ..	18,192,475	
Hindus (including Mahrattas and scheduled castes) .. .. ..	15,602,932	
†Mahrattas and allied castes .. .. ..	6,664,560	
Scheduled castes .. .. .. ..	1,673,896	
Muhammadans .. .. .. ..	1,602,385	
Indian Christians .. .. .. ..	267,460	
Europeans .. .. .. ..	18,028	
Anglo-Indians .. .. .. ..	14,176	

*Distribution of the seats in the future Assembly.*

75. The future Bombay Provincial Legislative Assembly will contain 175 seats. 114 of these are general, fifteen of that number being reserved for the scheduled castes, and seven for Mahrattas ; 29 are Muhammadan, two Anglo-Indian, three European and three Indian Christian ; while one is reserved for a representative of backward areas and tribes. In addition five general seats and one Muhammadan seat are reserved for women. The balance of seventeen is allotted to various special interests.

*Preparatory work by the local Government.*

76. In April 1933, the local Government set up a committee, composed of the Commissioners of Divisions, to make such provisional preliminary investigations as were possible with regard to the delimitation of constituencies for the future Provincial Legislative Assembly on the basis of the proposals in the White Paper. The result of the investigations of the Commissioners, with the preliminary observations thereon of the local Government, was referred in June 1935 to a special Provincial Delimitation Committee. The Committee, which was under the chairmanship of a High Court Judge, consisted, with one exception, of non-officials who were members of the Provincial Legislative Council. The Committee co-opted representatives of women, labour and commerce. A summary of its recommendations for the future Provincial Legislative Assembly was published in the Press at the beginning of August for public criticism, together with the provisional views of the local Government. The recommendations themselves were discussed in the

† Exclusive of the Mahrattas and allied castes of the Ahmedabad, Broach and Panch Mahals, Kaira and Surat Districts, and also of the Kurubs of the Belgaum, Bijapur, Dharwar and Kanara Districts.

We are informed that the constituencies, the area of some of which is considerable, will be manageable by a candidate without undue expense or physical strain, that one day will suffice for polling them, and that no difficulty should arise as regards the maintenance of contact by members.

**BASIS FOR URBAN AND RURAL REPRESENTATION RECOMMENDED BY THE LOCAL GOVERNMENT.**

78. As stated in paragraph 77 above, the broad principle adopted by the local Government is to concentrate urban representation in a limited number of large towns which have indisputably urban characteristics, all other towns being included in the rural constituencies. Under their proposals, 132 out of 158 territorial seats (including those assigned to women) will be allotted to rural constituencies (104 general, 24 Muhammadan, one European, one Anglo-Indian and two Indian Christian) and 26 will be urban (sixteen general, six Muhammadan, two European, one Anglo-Indian and one Indian Christian). The urban seats will thus be 17 per cent. of the total, and the rural 83 per cent. Out of a total of 75 elected seats in general constituencies in the existing Legislative Council, 17, or 23 per cent., are urban, and 58, or 77 per cent., are rural. The urban population of the Presidency at the present time is stated to be 24 per cent., 13 per cent. of which is, however, made up of the population of small towns which, under the local Government's proposals, will be included in the rural constituencies. If the population of the large urban areas which they propose to include in urban constituencies is alone taken into account, it is 11 per cent. of the total population of the Presidency and receives 17 per cent. of the seats. In other words, on the basis of the local Government's proposals, urban interests receive a definite weightage in terms of seats.

*Questions for consideration.*

79. The questions for consideration are, in the first place, the general suitability of the basis adopted by the local Government, and secondly the appropriateness of the degree of weightage which they recommend for urban interests.

*Suitability of the basis proposed.*

80. As regards the first of these points, we would invite attention to the discussion of this question in Chapter II of our Report. We are ourselves disposed to see much advantage in a division of urban from rural representation on the lines proposed by the local Government. Such a division ensures that the urban constituencies are not over-loaded with small and scattered urban elements, insufficiently important in themselves to exercise any decisive influence, and yet sufficiently numerous to involve some risk that the representative of an urban constituency will not be in a position to speak with a decisive voice on such matters affecting urban interests as may arise in discussion in the legislatures. It is, however, clearly of particular importance, if a basis is to be adopted such as that now under consideration, to ensure that it does not result in the inclusion in the rural constituencies of urban elements so substantial that they

than three more general seats, one of which it was suggested might be taken from Ahmedabad City and two from the Central Division, should be allotted to Bombay.

*Additional weightage recommended for Bombay City.*

83. This is a question of much importance, and we have closely investigated it in consultation with the local Government and the Provincial Committee. We are of opinion, as a result, that there is a case for some additional weightage for Bombay City. We have explained in paragraph 249 and paragraphs 303 to 305 of our Report the circumstances in which we recommend the redistribution of the seats allotted to women and the scheduled castes, which will result in the assignment to Bombay City of one additional women's seat and one additional scheduled caste seat. With these additions, we are of opinion that the legitimate claims of Bombay City will be adequately safeguarded. The relatively small additional weightage to urban interests which is involved in the acceptance of our recommendations is not in our view in any way excessive.

*Representations in respect of individual constituencies.*

84. We have received a large number of suggestions in regard to the modification of the boundaries of individual constituencies or the redistribution of individual seats. We have examined these, and in certain cases, where we thought that a *prima facie* case had been established, we have asked for the assistance of the local Government to enable us to reach a conclusion. The only points which, in the light of our investigations, appeared to us to call for detailed discussion in our Report are :

- (a) the claims of the Northern Division to a larger number of seats ;
- (b) the claims of Surat and Rander to a Muhammadan urban seat ; and
- (c) the possibility of combining certain districts into dual-member constituencies for the purpose of Muhammadan representation.

We deal with these questions *seriatim*

*(a) The claims of the Northern Division.*

85. On a population basis, it appears that the Northern Division of the Bombay Presidency is entitled to 28 seats, and the Central Division to 49, as against 27 and 50 seats, respectively, allotted to them under the proposals of the local Government. Thus Poona City in the Central Division, which is entitled to 1.4 seats on a basis of population, has been allotted 2 ; while Kaira District in the Northern Division, which is entitled on population to 4.89 seats, has been allotted four seats. We suggested to the local Government that in these circumstances one seat should be transferred from Poona to Kaira.

86. The local Government, while admitting that on a population basis the Northern Division would be entitled to one more seat, urged strongly, however, that their scheme was a carefully balanced scheme in which it would be impossible to make even minor alterations at this

such a combination would probably result in the return of a better type of candidate, the following districts should be combined and made into dual-member Muhammadan rural constituencies :—

- (a) Satara and Sholapur ;
- (b) Ahmednagar and Poona ;
- (c) West Khandesh and Nasik.

90. The local Government have been good enough to investigate this proposal. But they inform us that there is not in their view any force in the suggestion that better candidates would be forthcoming, if it were adopted. Its adoption would, apart from this, produce constituencies of unmanageable size, and it would conflict with the principle adopted by the Provincial Committee and the local Government in framing their Muhammadan constituencies, that not more than one district should be combined in a single constituency. The local Government state that they are satisfied that their original proposals have received the approval of the majority of the Muhammadan population. In the light of their examination of the suggestion now under consideration, we are of opinion that they have established a decisive case for the acceptance of their original proposals.

91. In all other respects we accept the recommendations of the local Government for the delimitation of the territorial constituencies. We discuss in the appropriate Chapters of our Report certain other suggestions for a modification of their proposals for the allocation of seats to women, to the scheduled castes, to Indian Christians and to backward tribes.

#### *Seats reserved for Mahrattas.*

92. We accept the distribution of these seats recommended by the local Government. We wish, however, to draw attention to a minor but important point. The Government of India Act, in its references to the seats set aside for the representation of Mahrattas, makes no reference to the so-called "Allied Castes", and it is arguable on a strict construction of the statute as it stands, that a member of the Allied Castes would be ineligible to vote or to stand as a candidate for one of the Mahratta seats in question. The Allied Castes have, however for many years shared the representation reserved for Mahrattas in the Bombay Legislative Council, and the definition of "Mahratta" in the existing Bombay electoral rules is so worded as to cover them. It is generally accepted in the Presidency that they are entitled to continue to enjoy the benefit of this representation; the local Government regard it as of real importance to place their position in regard to it beyond doubt, and we recommend in these circumstances that, to prevent any possibility of misunderstanding, the Order in Council delimiting constituencies should, if this is appropriate, contain a definition of "Mahratta", which will cover the Allied Castes on the lines of the definition of "Mahratta" in the present Bombay Electoral Rules.

in the Bengal Legislative Council, which lasted for two days, and in which 36 members took part. As finally submitted to us, they embodied the results of the examination by the local Government of the representations received from the public, of the recommendations of the Provincial Committee, and of the discussions which took place in the Legislative Council.

*Proposals of the local Government.*

96. The local Government propose to create single-member constituencies. For the purpose of their general constituencies, they propose to regard as urban areas all municipalities, irrespective of population, which are subject to the provisions of the Bengal Municipal Act and the Calcutta Municipal Act, and, in addition, the cantonment of Barrackpore. Their Muhammadan urban constituencies are based on selected municipalities, which contain 62 per cent. of the Muhammadan urban population, on the ground that with the small number of seats available for distribution, it would be impossible to create suitable urban constituencies comprising the municipalities of the whole presidency. Under their scheme, units with a population so small as 1,900 are included in urban areas, while certain large towns, such as Kháragpur, with a population of 58,134, fall into rural areas, on the ground that they do not enjoy the form of government which has been adopted as the distinguishing criterion between urban and rural.

97. Under the proposals of the local Government, there will (in addition to two general and two Muhammadan women's seats which will be assigned to special constituencies in urban areas) be twelve general urban and six Muhammadan urban constituencies, as against eleven general urban and six Muhammadan urban constituencies in the present Legislative Council. As in the present Council, six of the general urban seats will be allotted to Calcutta. The weightage in favour of the urban population under the existing constitution is 116 per cent. in the case of the general and 319 per cent. in the case of the Muhammadan constituencies. The effect of the proposals now put forward by the local Government is to reduce the weightage to 41 per cent. in the case of general constituencies and to 43 per cent. in the case of Muhammadan constituencies.

The scheduled caste constituencies are under the local Government's proposals exclusively situated in rural areas. They are allotted, generally speaking, to those areas in which the population of the scheduled castes is the largest.

98. The average area and population of a general and a Muhammadan seat under the existing and under the future constitution are as follows:—

	Population.		Area.	
	Present.	Proposed.	Present.	Proposed.
General .. .	582,597	300,706	2,031	1,999
Muhammadan .. ..	814,818	242,168	2,154	651

or Kharda (6,118) both of which were definitely urban in character ; while even among the municipalities with a population of less than 5,000, North Dum Dum (4,535), for example, was a suburb of Calcutta and unquestionably urban in character and outlook ; and the same to a less extent was true of Chakdah (3,906). The local Government saw no possibility in these circumstances of achieving reliable and satisfactory results on the basis of a minimum population figure.

103. It was, they informed us, in these circumstances that after very considerable discussion and a very full consideration of alternative methods, they had reached the conclusion that the only practicable basis, and the only basis likely to correspond to the realities of the situation in Bengal, was to adopt, as the criterion, whether an area fell within the operation of the Bengal Municipal Act, or within the operation of the Bengal Local Self-Government Act, and to class areas falling under the former as urban and those falling under the latter as rural. The application of this test admittedly produced certain anomalies, such as the exclusion from the urban category of the large non-municipal town of Kharagpur. But the broad principle was in their view the right one, and it had met with general support both in the Provincial Committee and from the public. The local Government were satisfied that the line of division between municipal and non-municipal areas in the province was a real one ; that the interests of the municipalities were wholly divergent from those of the surrounding rural areas : and that municipalities thrown into the same group for the purpose of urban representation would have a greater common interest with one another than any of them could have with the rural areas surrounding them. They added that the scheme put forward by them, involving as it did the creation of twelve urban general seats, six of which would be allotted to Calcutta, represented a general agreement between the various interests concerned ; that such expressions of dissatisfaction with it as had been received, should be regarded as directed rather to securing an increase in the total number of seats to be allotted to urban areas, than to a radical revision of the scheme : and that any reversal or modification of the compromise which it represented would unquestionably give rise to considerable feeling in the province as well as to much administrative difficulty.

*Our recommendations.*

104. We discussed this matter in some detail both with the local Government and with the Provincial Delimitation Committee, and, in reaching our decision, we took into consideration the representations received by us regarding it from members of the public and in the press. The Provincial Delimitation Committee lent an almost unqualified support to the arguments advanced by the local Government, and the result of our enquiries satisfied us that, whatever may be the case in other provinces, the line of demarcation in Bengal between those areas which enjoy a municipal form of government and those which come within the operation of the Bengal Local Self-Government Act, affords a reasonable basis for the separation of units into urban and rural. In the circumstances, we accept the general basis of the scheme proposed

*Our recommendations.*

*(i) The Muhammadan urban seats.*

107. We are of opinion, on a review of the situation as a whole, that the weightage proposed to be allotted to urban areas under the local Government's scheme is not excessive. There is no special difficulty about the number of seats to be allotted to Muhammadan urban interests, though a small section of Muhammadan opinion seems disposed to favour a slight reduction in its number, and we accept the local Government's view that the allocation they recommend has stood the test of public criticism, and that six seats is the minimum which will give adequate representation to the somewhat scattered municipalities which, in the circumstances referred to in paragraph 96 above, have been selected as the basis of representation in the case of urban Muhammadans throughout the province.

*(ii) The general urban seats.*

108. As regards the general seats, we recognise that the proposal of the local Government involves the assignment to urban general interests of three seats more than they would be entitled to receive if the criterion were population. But, as we have indicated elsewhere, we accept the principle that it is undesirable to reduce the number of urban seats in any province below that in the existing Legislative Council. On this assumption, the number of general urban seats in Bengal must be fixed at a minimum of eleven, and all that there is in dispute is whether there is a case for the addition of one more seat. Having regard to the great importance, political and commercial, of Calcutta, to the dominating position of the Hindu community in that city, to the fact that it is, to quote the local Government, "the centre of Hindu learning, of Hindu institutions, of Hindu social life and political activity", and to the very strong expressions of public opinion in the province in favour of some further increase in the representation to be accorded to general urban interests, we are of opinion that the local Government are right in proposing that the number of general urban seats should be fixed at twelve, and that six of that number should, as at present, be assigned to Calcutta, and we recommend their proposal, for which, so far as we are able to judge, there is a very substantial degree of public support, for acceptance.

*(c) Representation of the scheduled castes in urban constituencies.*

109. We were not satisfied at first sight that there was adequate justification for confining the scheduled caste constituencies to rural areas, as recommended by the Provincial Delimitation Committee and by the local Government. We are, however, informed (and the oral evidence tendered to us bore this out) that the scheduled castes themselves would prefer that all their seats should be assigned to rural areas, since they regard it as probable that they will be able to exercise a greater influence in elections in those areas than in urban areas. The inhabitants of the urban areas, on the other hand, would prefer that the

## IV.—THE UNITED PROVINCES.

114. *Statistics.*

Area .. .. .. .. ..	106,248	square miles.
Number of divisions .. .. .. .. ..	10	
Number of districts .. .. .. .. ..	48	
<b>Population—</b>		
Total .. .. .. .. ..	48,408,763	
Hindus (including scheduled castes) .. .. .. .. ..	40,905,586	
Scheduled castes .. .. .. .. ..	12,591,525	
Muhammadans .. .. .. .. ..	7,181,927	
Europeans .. .. .. .. ..	22,043	
Anglo-Indians .. .. .. .. ..	11,263	
Indian Christians .. .. .. .. ..	170,216	

115. *Distribution of seats.*

Total.	General (includ- ing S. C.).		Sche- duled castes.		Muhammadan.		Anglo-Indian.	European.	Indian Christian.	Special interests.
	Urban.	Rural.	Urban.	Rural.	Urban.	Rural.				
Present *100	8	52	..	..	4	25	..	1	..	10
Proposed 228	13	127	4	16	13	51	1	2	2	13
	Women. 1	Women. 3	..	..	Women. 1	Women. 1	..	..	..	..

\* Directly elected.

*Preparatory work done by the local Government.*

116. The United Provinces Government began the preparation of a preliminary scheme of constituencies so far back as the beginning of 1933. The scheme in question was based on the allocation of seats in the Provincial Lower House set out in the Communal Award as modified by the Poona Pact. During 1934, the matter was further discussed with the Commissioners of divisions and District Officers, who were invited to express an opinion on the suitability of the tentative and provisional proposals of the local Government for the constituencies in the areas under their jurisdiction. Those provisional proposals were revised or modified in the light of the views expressed by the officials who had been consulted. In June 1935, the local Government established an Advisory Conference to examine and advise on their proposals. The conference was composed of leaders of parties in the Legis-

The average number of voters per seat will be 18,950 in urban constituencies and 27,522 in rural constituencies. Of the six seats allotted to women, two (one general and one Muhammadan) will be assigned to urban, and four (three general and one Muhammadan) to rural, constituencies. The seats allotted to the scheduled castes are assigned to those areas in which the scheduled caste population is the largest. Four of them are allotted to urban and sixteen to rural areas. We are assured that the constituencies proposed are such that they can be canvassed, without great difficulty and that a member can maintain contact with them without undue physical strain or expense.

#### URBAN AND RURAL REPRESENTATION.

118. The two main questions for consideration are :—

- (a) the basis adopted by the local Government for the representation of urban and rural interests ; and
- (b) the extent to which their proposals afford reasonable representation to urban and rural interests respectively.

##### *(a) The basis of urban representation.*

119. The principles on which the local Government have based their proposals are firstly that urban representation should be given to those areas only which are truly urban in character. It would be misleading, in their view, to include in urban constituencies small towns or large villages, many of which are market or supply towns for the surrounding districts and serve mainly rural interests, even though they may have "been granted some form of municipal or local Government for the purpose of more efficient local administration. The prosperity of these towns or villages depends on the agriculture of the neighbourhood and many of the inhabitants derive their livelihood directly from the soil". In the second place they regard it as essential in framing constituencies to pay close attention to administrative manageability. They see strong objection on administrative grounds to urban constituencies consisting of a large number of small and scattered units, and they favour the composition of constituencies consisting at the outside of two or three towns, which can easily be canvassed, with which contact can be maintained without difficulty, and which will form workable constituencies the polling of which will be administratively practicable. Finally, they regard it as important to consider so far as is reasonably possible in the framing of the constituencies the convenience and the pockets of candidates for election, and to avoid causing insuperable difficulties to candidates and members.

##### *Views of local Government.*

120. The local Government, basing themselves on the principles set out in the preceding paragraph, are of opinion that the criterion of urban adopted by the Indian Franchise Committee, *viz.*, the census figure of 5,000, is unsuitable. Its acceptance would, in the United Provinces, result in the inclusion in urban constituencies of a large number of villages or purely rural areas, and a scheme of urban representation based upon it would in their view expose the electoral machinery to a very great strain if not to a risk of entire collapse. After a careful

constituencies. In addition, four urban seats will be allotted to the scheduled castes and one general and one Muhammadan urban seat to representatives of women.

The question of fundamental importance is of course the number of urban territorial seats to be allotted to general and Muhammadan interests, respectively. The local Government have considered the possibility of basing the number of urban seats on the proportion of urban voters to rural voters in the present Legislative Council ; on the proportion of the urban to the rural population of the province ; on the grant of a weightage to urban areas on the ground of their superior education and enlightenment ; and finally on the allocation of a number of seats which, while giving suitable representation to the urban interests of the province will at the same time involve no undue disproportion between urban and rural representation. After a very careful analysis and comparison of the result of accepting these different bases they recommend that the urban seats should be fixed at a number which would give suitable representation to genuine urban interests, without involving any undue disproportion between urban and rural representation. That number they would fix at 26 seats, thirteen of which would be general and thirteen Muhammadan, as compared with a total of twelve seats (eight general and four Muhammadan) in the existing Legislative Council. This, in the view of the local Government, represents a reasonable compromise, having regard to the comparative size of the population and of the electorate which each seat will represent, and it gives an adequate weight to the greater relative strength of Muhammadan urban interests and the relatively larger size of the Muhammadan urban population in the province. In the discussions in the Provincial Advisory Conference, some divergence of view on this matter was at first apparent ; suggestions being made on the one hand that the number of seats to be allotted to urban areas was too high, and on the other hand that it was too low. The Conference, however, finally agreed almost unanimously that the local Government's proposal should be accepted, and while we have received certain representations to the effect that greater weightage ought to be given to urban areas, we are of opinion that that proposal represents a reasonable compromise, that it has general support in the United Provinces, and that the weightage accorded under it to urban areas is not excessive. We accordingly recommend it for acceptance.

*Points in connection with individual constituencies.*

123. The main points which call for consideration in this connection are :

- (a) the claims of the Allahabad, Lucknow and Fyzabad divisions to additional general seats ;
- (b) the adequacy of the representation proposed for Oudh ;
- (c) the number of general seats to be given to the Kumaon Division ;

will have been met. When the alteration in question has been made, the twelve districts of Oudh, which, under the existing constitution, receive 21.3 per cent. of the total strength of the Council, 21.6 per cent. of the general, and 18.9 per cent. of the Muhammadan seats, will receive 25.2 per cent. of the total strength of the Assembly, 25 per cent. of the general seats, 23.4 per cent. of the Muhammadan seats, 30 per cent. of the scheduled caste seats, and 33.5 per cent. of the women's seats ; and we are satisfied that Oudh, with the modification referred to above, has received the maximum representation which is consistent with the grant to the remaining divisions in the United Provinces of the representation to which they are legitimately entitled.

*(c) Representation to be given to the Kumaon Division.*

127. The Kumaon division comprises the districts of Naini Tal, Almora and Garhwal. In the present Council, one general seat is assigned to each of these districts, while the division as a whole shares one Muhammadan seat with the district of Pilibhit. Under the local Government's proposals each district will receive one general rural seat ; the districts of Almora and Naini Tal, with the addition of a *tahsil* of the Bareilly district, will form one Muhammadan constituency ; the Garhwal district with the addition of two *tahsils* from the Bijnor district will form a second Muhammadan constituency ; and one constituency will be allotted to the scheduled castes in the Almora district.

128. No serious difficulty arises in respect either of the Muhammadan seats or of the representation proposed for the district of Naini Tal. But we are not satisfied that the proposals of the local Government in regard to the general rural seats allotted to Almora and Garhwal are adequate. The two seats in question have respectively a population of 580,144 and of 529,313. The numbers of non-Muhammadan voters are respectively 105,098 and 115,399, while the scheduled caste vote is also substantial. The position is aggravated by the fact that the actual voting strength of the Kumaon division is, we understand, likely, as the result of the differential franchise prescribed for it under the Government of India Act, to be even greater than that shown on the provisional rolls. Under the local Government's proposals no other general rural constituency in the province has a voting strength in excess of 65,000. There are two constituencies only the voting strength of which is between 60,000 and 65,000, and six only the voting strength of which is between 50,000 and 60,000. So far as area is concerned, the areas of the two constituencies now under consideration are respectively 5,389 and 5,612 square miles, or double the size of any general rural constituency in the province.

129. We felt that it was difficult to remain satisfied with constituencies the area and the number of voters in which were so disproportionately great ; we asked the local Government in these circumstances to consider the possibility of finding two additional general rural seats for the Kumaon division ; and we made certain suggestions as to the method by which the additional seats could be found. The local Government now inform us that so far as area is concerned, while the total area of the Garhwal and Almora districts is undoubtedly very large, the northern half of both

respectively of the cities of Agra and Muttra, and of the cities of Aligarh, Hathras, Farukhabad and Etawah. We have received strong representations to the effect that these seats should be re-constituted, and that a more suitable distribution would be Agra-Farukhabad-Etawah and Aligarh-Hathras-Muttra, the dominant consideration being the desirability of giving Aligarh, as a centre of Muhammadan culture, a decisive position in the constituencies in question. After consultation with the local Government, and with their concurrence, we recommend that the constituencies should be re-arranged as suggested.

*Miscellaneous Representations.*

133. We have received a number of supplementary representations on various points in connection with individual constituencies which we have examined with the assistance of the local Government. But we are of opinion that in no instance has a case been established for a modification of the local Government's proposals, and we therefore recommend those proposals with the alterations referred to above for acceptance.

2,238,791. The table given in the preceding paragraph excludes the special women's constituencies, but includes in the 26 rural general seats, eight reserved for scheduled castes.

137. The Provincial Franchise Committee met on the 15th March 1933, when the scheme provisionally adopted by the local Government was placed before it. There had previously been a debate in the Legislative Council. The Committee, which held eleven meetings, in the main concurred with the decisions arrived at by the Government, and unanimously accepted, as the line of division between urban and rural electoral areas, any place with a population of 7,500. The constituencies thus arranged were published in the press for public criticism, and the replies received were examined by the Government. Criticism was mainly directed against the inclusion of certain municipalities, notified areas and "Small Towns", i.e., units governed by the Small Towns Act. There was, especially among the Hindus, a strong minority who advocated the restriction of urban constituencies to the large towns like Lahore and Amritsar, and delimitation on the lines followed in the Bombay Presidency.

138. The same arguments were repeated in the various representations and the oral evidence which we received. The difference between this province and others is that, whereas in most of the other provinces there was little or no protest against the division into urban and rural, in the Punjab the question is the subject of keen controversy. It therefore needed detailed examination, as the result of which we obtained the following appreciation of the case.

139. The division of the constituencies into urban and rural is not merely proposed for the purpose of electoral convenience. It represents a very definite and marked cleavage of political opinion in the province. Since the Reforms of 1921 there have been two main parties in the Legislative Council, *viz.*, the Punjab National Unionist Party and the National Reform Party. The first has represented rural interests : the second has represented urban interests, and where these interests have come into conflict, the parties have, generally speaking, taken opposite views. Where there is a conflict between agricultural and non-agricultural interests, the parties represent different views, but the cleavage to some extent goes beyond this division. For instance, sharp divisions of opinion have been, and are still, manifest on the following questions :—

- (1) The distribution of taxation between urban and rural.
- (2) The allocation of Government revenues to urban and rural purposes respectively.
- (3) The system of education.
- (4) The distribution of Government posts between urban and rural candidates.
- (5) The relief of indebtedness.
- (6) The composition of the Cabinet, in which are included Ministers and Members.

present constitution : but, assuming that the population will now be the rough test, their interests are conflicting as between a low and a high population test for urban constituencies.

145. It may be said with some confidence that the rural party, if given the choice between maintaining the population unit at 7,500 and keeping the number of rural seats as proposed by the local Government, on the one hand, and, on the other hand, raising the population unit to 10,000 and increasing the number of rural seats accordingly, would prefer the former alternative. The local Government cannot say with confidence which of these two alternatives the urban party would prefer. They would certainly be ready to sacrifice most of the urban seats if the population test were to be fixed so high as to allow the remaining towns materially to influence the rural vote. For instance, they would gladly accept Lahore and Amritsar as the only urban seats. Opinion would probably be divided as to whether they should have (say) six urban seats instead of eight as proposed by the local Government, if in return the rural vote was only slightly influenced by urban voters by a reduction of the population test from 10,000 to 7,500.

146. So far as the local Government are concerned, the choice therefore lies between maintaining their present proposals, or raising the population limit and reducing the number of urban seats. In no circumstances could they support a proposal to raise the population limit beyond the existing figure of 10,000 while keeping this unit as a general guide. They believe a change of this nature would be opposed to the wishes of the great majority of the people. At no time during the discussion of delimitation proposals, whether in the Provincial Franchise Committee or in the debate in the Legislative Council, has there been anything in the nature of a general demand, from any community, that the qualifying figure should be raised above 10,000. One or two speakers in the debate in the Legislative Council did indeed, raise the question : but opinion generally has not been in favour of raising the population unit, and, having regard to the fact that the Indian Franchise Committee had proposed to lower it, the question of raising it was hardly regarded as a live issue.

147. The arguments advanced by the urban Hindus may be summarised as follows :—

- (a) As compared with the present Legislative Council the future Legislative Assembly will contain 175 elected members as against 73.
- (b) When such a very large increase in elected members will take place, it is equitable that they should share the increase to a real extent. An increase from seven to eight seats is in fact far less than the substantial increase in the size of the Legislative Council ; proportionately it is, indeed, almost negligible.
- (c) That in future a probable, or at any rate a possible, line of political division is between urban and rural, and that for the pro-

qualifications, but even so it should be possible to do more than has hitherto been attempted to correct the disparity between the agricultural and non-agricultural tribes."

149. On the other side we are told that:—

"The real issue in the Punjab, put in a nutshell, is how to put a stop to the ruthless exploitation, social, economic and political, to which the money-lending, shop-keeping and trading classes of the Punjab have been subjecting the rest of the population for generations. It would pay these classes if the attention of the general population were, by some plausible device, prevented from being focussed on this issue. Hence the bogey of statutory agricultural tribes, which have hitherto been fighting single-handed in the interests of all the exploited and disinherited classes of the Punjab."

150. Finally we have been asked to hold that the urban constituencies proposed by the Government, apart from the question as to how many there should be, are unwieldy, covering a huge area, and necessitating long journeys to distant places where in fact very few voters would reside. For example, in one of the Sikh urban constituencies, the candidate would find two, and only two, voters in the small town of Kalka. It was urged that the largest municipality in each urban constituency would in fact dictate who should be elected, and that towns far apart had very few common interests.

*Our recommendations.*

151. The problem therefore is fundamental. It appears to us that we have either to recognize or to disregard the fact that in this province definite political parties are in course of formation, and that the urban or rural "outlook" is in reality an important difference of opinion based on principles derived from agrarian economics. In this province of peasant proprietors, having regard to past history and the course of their evolution, we are of opinion that any material alteration of the proposals of the local Government would provoke grave discontent among the large majority of those who now receive the franchise. At the same time, in view of the reduction proposed in the standard of population, we are not prepared to deprive the towns of the weightage still given to the general seats. Actually on a strict population basis, the Hindu urban seats should not be more than six. They receive eight. We may add that this so-called "arbitrary and artificial" restriction of rural areas, by excluding all towns with a population of 7,500 or over, is not likely in our opinion, in the absence of any residential qualification, to prevent the election from rural areas of candidates who come from a city. In the past urban Hindus have in fact captured from six to eight of the rural seats, and one witness was confident that in the enlarged electorate urban Hindus would still be able to capture 22 out of the total 34 seats.

152. So far as the Muhammadans are concerned, there is not the same divergence of interest between urban and rural areas as among the Hindus. This is shown by the fact that in all the Legislative Councils since 1921, a great majority of the urban Muhammadan members have been

from 15 per cent. to 20 per cent. in the case of Sikhs, and from 7 to 19 per cent. in the case of General constituencies. Other lists show that taking population and voting strength together the mean approaches very closely the standards proposed by the local Government.

*Representations in respect of individual constituencies.*

157. We have received a large number of representations in respect of individual constituencies. These we have examined in consultation with the local Government before reaching our decision. We are satisfied that save in three cases, to which we refer below, there is no justification for any alteration in the local Government's proposals, which are based on a long period of preliminary examination and local enquiry. Among the more important of the representations which we have received are requests—

- (i) that the Jullundur—Amritsar—Sialkot general constituencies should be rearranged;
- (ii) that the three Muhammadan seats allotted to the Attock district should be rearranged so as to give better effect to the tribal representation;
- (iii) that a third general seat should be allotted to the Karnal district, the seat in question being found by a reduction from three to two of the seats allotted to the Hissar district under the local Government's scheme;
- (iv) that the general constituencies allotted to Kangra and Hoshiarpur should be rearranged so as to give a larger number of seats to the latter;
- (v) that the Shakargarh *tahsil* of the Gurdaspur district should be formed into a separate Muhammadan constituency, the Gurdaspur and Pathankot *tahsils* of the same district being combined to form a second constituency;
- (vi) that the Lyallpur district should receive one more Muhammadan seat at the expense of Dera Ghazi Khan;
- (vii) that the Sikh constituencies assigned to the Amritsar district should be rearranged on one of two suggested alternative bases;
- (viii) that the Sikh constituencies proposed for certain groups of districts should be re-distributed;
- (ix) that there should be a rearrangement of the Sikh constituencies proposed for the Ferozepore district; and
- (x) that the towns of Jhang and Chiniot, in the Multan Division, which under the local Government's proposal are attached to the Rawalpindi general urban constituency, should be transferred to the Multan urban constituency.

We deal with these proposals *seriatim* below. We think it unnecessary to discuss the remaining proposals advanced to us, {some of which transgressed the Communal Award, while others were obviously based on personal grounds.

we are averse from recommending any such sub-division save where this is quite unavoidable. Apart from this, we are advised that there is no real identity of interest between the Hajipur *thana* and the Kangra district ; that Kangra which is a hill district, has a distinct and marked individuality while the Hoshiarpur district is essentially a plains district, and finally that geographical considerations, and in particular the course of the river Beas, militate against the composition of a manageable and compact constituency on the basis suggested. We are unable in these circumstances to recommend it for adoption.

(v) *The Gurdaspur Muhammadan seats.*

162. We are, on the other hand, disposed to see definite advantage in constituting the Shakargarh *tahsil* of the Gurdaspur district into a single Muhammadan constituency, leaving the Gurdaspur and Pathankot *tahsils* of that district to form a second constituency, and, in the light of discussion with the local Government, and with their concurrence, we recommend that this modification be made.

(vi) *The Lyallpur Muhammadan seats.*

163. We have given careful consideration to, the suggestion that the Lyallpur district should receive an addition, to be found from the Dera Ghazi Khan district, to the number of Muhammadan seats allotted to it. But we are not satisfied that any case for such a modification of the local Government's proposals has been established. Other considerations apart, we would draw attention to the fact that while Lyallpur which has four *tahsils*, also receives four seats, Dera Ghazi Khan, which has four *tahsils* receives three seats only, with the result, that a sub-division of the *tahsils* is already necessary in the case of that district. To grant an additional seat to Lyallpur, a request which is not, in our view, justified by considerations of population or voting strength, would, in addition, involve the breaking up of the *tahsils* in that district, while it would still further aggravate the position in regard to the sub-division of *tahsils* in the district of Dera Ghazi Khan. We are unable in these circumstances to recommend its adoption.

(vii) *The Sikh seats in the Amritsar district.*

164. We now turn to the suggestions made to us in regard to the rearrangement of the Sikh seats allotted to the Amritsar district. The first suggestion advanced aimed at the establishment of two constituencies based respectively on the Amritsar and on the Ajnala *tahsils* of the Amritsar district. Under the local Government's proposals, the constituency which contains the major portion of the Amritsar *tahsil* also contains portions of the Tarn Taran *tahsil*; while portions of the Amritsar *tahsil* are combined with portions of the Tarn Taran *tahsil* to form a separate constituency. The suggestion now under consideration would involve the alteration of the constituency boundaries so as to comprise the whole of the Amritsar *tahsil*, with the exception of certain *zails*, in one constituency. The *zails* in question, which are those which border on the Ajnala *tahsil*, would be added to an Ajnala constituency.

as to make any delimitation of it a task of extreme difficulty, and we recognise that no scheme is likely to give entire satisfaction to all parties. We have, however, carefully examined the proposals submitted to us for a revision of the scheme proposed by the local Government. But a delimitation on the basis of either of the alternative schemes advanced would, in our opinion, be even more inconvenient than that which the Government recommend, and we are satisfied that the Government's proposals have a substantial measure of support from the inhabitants of the area affected. We have indeed received representations from that area strongly urging that the local Government's proposals should be accepted, and emphasizing that those proposals divide the population and the voters proportionately, and that they concentrate each of the four clans in the district—Sidhu, Gill, Sandhu and Khosa—in a single constituency, and so afford individual representation to each clan. We feel no doubt, in the light of the information available to us, that the local Government's proposal is best suited to the conditions of the area under consideration, and we recommend it for adoption.

*(x) Chiniot and Jhang.*

168. We have investigated the suggested transfer of Chiniot and Jhang to the general urban constituency which includes the rest of the Multan Division. The local Government advise us, however, that while there is some force in the arguments advanced in favour of such a transfer, they are on the whole definitely of opinion that the existing allocation is the best. Chiniot is very near to the boundary of the Shahpur district, which is in the Rawalpindi division, and the people of Jhang and Chiniot have at least as much connection with the Shahpur district as they have with the rest of the Multan Division, while even the Jhang dialect is nearer to the Shahpur dialect than to the Multan dialect. We accept the local Government's view.

173. Including fifteen seats reserved for the scheduled castes and seven for the backward tribes, there will be 88 general, and 34 Muhammadan rural constituencies. It is proposed that the backward tribal seats should not be separate constituencies but seats permanently reserved in certain territorial constituencies. The seats reserved for the scheduled castes will, with two exceptions, move round in rotation among groups varying from three to five constituencies. It is also proposed to rotate the women's seats. In addition to the multi-member constituencies necessitated by the reservation of seats for scheduled castes or backward tribes, the local Government proposed that the districts of Palamau and Singhbhum should each have two general seats in a plural member constituency, in Palamau because of the unequal distribution of population, while in Singhbhum there are important minorities, whose best chance of securing representation will, it is thought, be through multi-member constituencies with the use of the single non-transferable vote. The principle generally adopted has been to allot the total number of general and Muhammadan seats to each district in proportion respectively to the population of the general community (including the scheduled castes and the backward tribes), and to the Muhammadan population, and then to make minor adjustments necessitated by special circumstances. Account has also been taken of the facts that districts or divisions have particular local interests which are common to both communities, and that the total representation of any particular division should be approximately proportionate to its total population. The total number of rural seats which each division will get under the present proposals is very nearly the number which it should get in proportion to its total population.

174. In all multi-member constituencies it is proposed that every voter should have a single vote, on the grounds that this is administratively convenient and that it is simpler both for the voter and those who have to count the votes. The method of voting proposed is the use of coloured and numbered boxes.

*Special features of the province.*

175. In the Patna and Tirhut divisions, the population, which is purely agricultural, is very dense, reaching in the Saran district the astounding figure of 927 per square mile. The increase in the electorate under the provisions of the Government of India Act places therefore a considerable strain on the administrative machinery. For the first election, as provided in Part VII of the Sixth Schedule to the Act, the general franchise qualification will be twelve annas chaukidari tax, to be reduced to nine annas after three years. Even for the first election however, when the general franchise will be twelve annas, the size of the rural electorate in Bihar will be 2,000,000, which means that an average polling station will have to deal with nearly five thousand voters. Thus polling at most stations would, even at the first election, require four or five days on the average, and in some places even longer, especially as the polling of women, and of the newly enfranchised men, will be slow.

doubt that the persons elected from these constituencies will be able to represent the interest of those women or scheduled castes in whose constituencies there is no reserved seat. These, it must be remembered, will in any event be able to vote in those general constituencies. In consultation with the local Government we have accordingly selected the following fifteen general communal territorial constituencies in which to reserve the scheduled caste seats, *viz.*,—

East Bihar,	Darbhanga Sadr,
South Gaya,	South East Samastipur,
Nawada,	South Sadr Monghyr,
East Central Shahabad,	Madhipura,
West Gopalganj,	South-West Purnea,
North Bettiah,	Giridih <i>cum</i> Chatra,
East Muzaffarpur Sadr,	Palamau and Central Manbhum.

#### *Women.*

180 For the four women's constituencies the local Government agree that it is practicable to form special women's constituencies in restricted areas, and this view is accepted also by the Bihar Franchise Committee. The local Government agree to the formation of special constituencies consisting of Patna City, Bhagalpur municipality and Muzaffarpur municipality for the three general women's seats, and of Patna City for the Muhammadan women's seat.

#### *Backward tribes.*

181. The witnesses who gave evidence on behalf of the backward tribes made it clear that they preferred the reservation of seats in general constituencies to having special constituencies of their own. They are in fact so numerous in some of the constituencies to which these seats have been allotted that they stand a good chance of capturing both the reserved and the non-reserved seats.

#### *Our conclusions.*

182. After careful consideration we have come to the conclusion that it is unnecessary to give another seat to Gaya by taking one from Champaran. In the case of Gaya district we think it necessary however to depart from the general principle of preserving the sub-divisional boundaries, and to include the electors of some police stations from a neighbouring subdivision. The local Government have accepted revised proposals put forward by us for the districts of Saran, Muzaffarpur and Darbhanga. We are of the opinion that their proposal for multi-member constituencies for the districts of Singbhumi and Palamau is sound, and we recommend that it should be adopted, one seat being reserved in Palamau for the scheduled castes and one in Singbhumi for the backward tribes. Finally we consider that no advantage would be gained by altering the boundaries of the proposed constituencies in the district of Hazaribagh, and we accept the scheme of the local Government.

before us when we visited Nagpur in September were framed after consideration of the representations received from the general public (copies of which were communicated to us), the opinions expressed in the debate in the Provincial Legislative Council, and the recommendations of the Provincial Advisory Committee. It will be seen that the process of investigation has been a thorough one, and that the fullest regard has been paid to the expressions of representative opinion in the province.

*The proposals of the local Government.*

186. As will be seen from paragraphs 187 to 199 below, the local Government, while they had exhaustively examined three alternative schemes of delimitation, regarding all of which they furnished us with the fullest and most valuable material, were unable, owing to the impracticability of reconciling the rival claims of the Central Provinces and Berar, to put forward any scheme for the general territorial constituencies with the support of all sections of opinion in the province. The compromise scheme which they recommended as a basis for consideration, is based primarily on population, with a special weightage for Berar; on single-member constituencies, and on the grant of a degree of weightage to urban interests in the province (a population of 10,000 being taken as the criterion of urban) the appropriateness of which we discuss below. The seats allotted to the scheduled castes are assigned to those areas in which the scheduled castes are most numerous. The general effect of the local Government's scheme is to reduce the average size of a general and a Muhammadan constituency respectively from 3,123 and 16,655 square miles to 1,850 and 8,326 square miles; the population of the average general constituency from 431,281 to 255,574; and that of the average Muhammadan constituency from 113,783 to 50,100.

*The distribution of the general territorial seats between the Central Provinces and Berar.*

187. The most important problem which faced us in connection with the delimitation of constituencies in the Central Provinces was that of the distribution of the general territorial seats between the Central Provinces and Berar. Under the existing constitution Berar receives a certain weightage in terms of seats in the Central Provinces Legislative Council, and the question for decision is whether that weightage should be maintained in the allocation of seats in the future Central Provinces Legislative Assembly, either in its entirety or in a modified form.

188. No difficulty arises regarding the allocation of the seats set aside for representatives of women, or of special interests such as labour, commerce, landholders, or the University. Nor is there any material difference of opinion regarding the distribution of the Muhammadan seats. The controversy which has arisen is essentially in connection with the distribution of the 84 general seats.

189. If population is adopted as the basis of distribution, the Central Provinces will be entitled to 66, and Berar to 18, general seats. If the size of the electorate under the new constitution is adopted as the criterion, the distribution will substantially be the same. The extreme

#### CHAPTER IV.

appearance of the Government bloc is going to make a considerable difference to the position of Berar politically in the Legislative Assembly".

##### *Counter arguments of the Central Provinces.*

192. To the arguments advanced on behalf of Berar, the representatives of the Central Provinces reply—

- (1) that the Government of India Act clearly contemplates a fusion for legislative purposes of the Central Provinces and Berar;
- (2) that if Berar is in future to be a constituent part of the Central Provinces, subject to the provisions of the Government of India Act, she cannot claim the same treatment as a federating unit, and that the argument based on Federation is wholly fallacious;
- (3) that it follows that there is no justification for the claim advanced to one-third of the total seats in the future provincial Assembly on the ground that this is the proportion of representation accorded to federating states in the Federal Lower House;
- (4) that the only reasonable basis for the allocation of seats is the population basis;
- (5) that if this basis is applied, Berar will be entitled to no more than 22 general and Muhammadan seats as against 76 which will fall to the Central Provinces;
- (6) that if voting strength is adopted as the criterion, the results will be no more favourable to Berar;
- (7) that the arguments advanced by Berar, in so far as they are based on her contributions to provincial revenues, on her special political position, or on considerations such as the level of education and general advancement or development of her population are irrelevant; and
- (8) that there is no case for a maintenance in the new provincial Legislative Assembly of the weightage at present accorded to Berar.

##### *The three alternative schemes of delimitation.*

193. The local Government, the Provincial Delimitation Committee and the representatives of Berar and of the Central Provinces have for several months been engaged in a discussion of this problem, but have found it impossible to reach any agreement; and the efforts which we ourselves made during our visit to Nagpur to bring the parties together and reach an agreed settlement proved, we regret to say, abortive. The local Government originally placed three schemes before the provincial Delimitation Committee:—the first representing the extreme Central Provinces demand as described in paragraph 189 above; the second the extreme Berar demand as explained in the same paragraph; the third scheme (put forward by the local Government) representing an attempt at a compromise. Under the third scheme Berar (which on population and on voting strength would be entitled to 22 general and Muhammadan seats) would receive a total of 27 (21 general and 6 Muhammadan) as against its

reasonably be taken into consideration in connection with the allocation of representation in the new legislature.

198. On the other hand, we cannot agree that any case has been made out for a weightage on the scale now claimed by Berar. The unsubstantial basis of her general claim, the weakness of which will appear from the preceding paragraphs, is a fundamental objection to granting that claim in full. On two minor, though important points, it is relevant that her population, which at the time when the original weightage was fixed was approximately one quarter of the population of the Central Provinces—a proportion reflected in the weightage then given—has now declined to approximately one-fifth. It is true that the population of the Central Provinces has been increased by the inclusion of certain zamindaries, which were previously excluded areas. But nevertheless the Berar electorate, which, under the Montagu-Chelmsford Reforms, constituted approximately one-third of the total electorate of the Central Provinces, is now only about one-fifth—a reduction greater than can reasonably be accounted for merely by the differential operation of the franchise under the different systems of land tenure in the Central Provinces and Berar.

*Our recommendations.*

199. After careful consideration we recommend in these circumstances, with a slight modification, the adoption of the compromise scheme put forward by the local Government. That scheme is, as it stands, rather more generous to Berar than the circumstances justify. We recommend, accordingly, that the number of general seats allotted to Berar under the compromise scheme should be reduced by one. Our specific proposal is that the seat to be removed from Berar should be the general urban seat which, under the local Government's proposal, is allotted to Amraoti-Akola, and that these two towns (to which, incidentally, a general woman's special constituency will be assigned under our proposals), should fall respectively into the general urban constituencies proposed by the local Government for East Berar and West Berar. The general seat which will thus become available should, in our view, be allotted to the Drug-Bemetara constituency, which is insufficiently represented as matters stand.

**URBAN AND RURAL REPRESENTATION.**

*Proposals of the local Government.*

200. As stated above, the general effect of the basis for urban representation suggested by the local Government is to include in urban constituencies all municipalities and towns with a population of 10,000 and over. They recommend that 16 seats (including the three seats reserved for women) should be allotted to urban constituencies. The total urban population of the Central Provinces and Berar, applying the criterion of 10,000, suggested by the local Government, is about 1,270,000 (of whom 1,021,000 are non-Muhammadans) or rather under 10 per cent. of the total population of the province. On the basis of the criterion of 10,000, urban interests would be entitled to some 7 seats (for the moment the seats allotted to women may be left out of account). The local Government propose to allot 11 seats to them, and to provide

*Views of the local Government.*

204. We discussed this matter in detail with the local Government. They pressed very strongly for the retention of the eleven urban seats. They emphasized that the number in question represented a very definite reduction in the relative representation of urban areas in the provincial Assembly as compared with the present. Their considered opinion was that in present conditions in the Central Provinces, urban constituencies were entitled to a greater representation than they would receive in proportion to their population ; and that the arrangement proposed was one which would give a fair representation to urban areas without allowing them undue weight at the expense of rural areas. They emphasized in particular that the responsibility for the existing weightage rested primarily on the Southborough Committee, who recommended a weightage for urban areas which has in practice proved excessive. That weightage however was given and could not now be eliminated without giving rise to a justifiable sense of grievance. The relative reduction in the representation of urban areas which was involved in the proposals submitted by the local Government, represented in their view the maximum readjustment which was practicable, and they urged that the fact that there had been no criticism of their proposals on this point in the discussions in the Provincial Committee or the provincial Legislative Council was a substantial argument in favour of them.

205. The local Government agree, however, in the circumstances discussed in Chapter VI of our Report, that it would be desirable to create special women's constituencies rather than, as originally proposed by them, to reserve the women's seats in multi-member urban constituencies. The special constituencies in question will still be located in towns. But they will not be reserved in multi-member general urban constituencies, and so will no longer form part of the general scheme of urban representation. We think therefore that they can fairly be left out of account in assessing the degree of specific representation allotted to urban areas under the local Government's proposals.

*Our recommendations.*

206. In the light of the explanations furnished to us by the local Government, of the modifications which they have made in their scheme, and of our discussion with them, we agree that the weightage which they propose to allot to urban interests, while heavy, is not unjustifiable, and we recommend their modified proposals for acceptance.

*Questions arising in connection with individual constituencies.*

207. We have received a number of suggestions for modifications of detail in the composition or the allocation of the various constituencies proposed by the local Government in the provincial Legislative Assembly. We have discussed these with the local Government and with the Provincial Committee. The most important of these questions are—

- (a) the distribution of seats between the divisions of the Central Provinces ;

allotted to the Drug-Bemetara constituency in the Chattisgarh division, and with this addition we are satisfied that, having regard to the considerations urged by the local Government, the representation accorded to the three divisions now under discussion may be regarded as generally equitable.

*(b) The claims of the Nimar district.*

211. The acceptance of the suggestion for the distribution of the constituencies in this district would involve the splitting of *tahsils*. We regard it as of great importance to maintain, save where there are quite exceptional circumstances, the principle that constituencies should so far as practicable be based on administrative units, and we are unable in these circumstances to accept the suggestion in question. We may, however, add that a re-arrangement of the constituencies originally proposed for the Nimar district, under which Khandwa *tahsil* will be formed into one constituency and the *tahsils* of Harsud and Burhanpur are combined to form the second constituency, has been recommended by the Provincial Delimitation Committee and accepted by the local Government, and this re-arrangement, which we regard as a definite improvement, should in our view go far to remove any legitimate feeling of dissatisfaction in this district.

*(c) The suggestion that one scheduled caste seat should be removed from the Saugor district and replaced by an unreserved seat.*

212. We have considered this suggestion, but we are satisfied that there is no justification for the substitution of an unreserved seat for a reserved seat in this district.

*(d) The adequacy of the representation allotted to the scheduled castes in the Chattisgarh division.*

213. This question is examined in greater detail in Chapter V of our Report, which deals with the representation of the scheduled castes. Broadly speaking, we are satisfied that no case has been established for a revision.

*(e) The desirability of the allotment of an additional general seat to the Drug district.*

214. The number of voters per seat in the Drug district is substantially higher than elsewhere. On the basis of population the district (with the district of Mandla) is recognised by the Provincial Committee as having the best claim to additional representation, and the local Government informed us that they agree with our view that there is a case for the assignment to it of an additional seat, if this can be made available. Consequent on the reduction which we have recommended in the number of general seats allotted to Berar, one seat is now available, and we recommend, in agreement with the local Government, that it should be allotted to the Drug-Bemetara constituency of the Drug district.

was again examined by the Franchise Committee in June 1935, and the scheme, as modified by them and by the local Government, was published in the press in August 1935, when representations and criticisms were invited. In its final form, the scheme as modified was debated in the provincial Legislative Council in September of last year. The representations we have received have satisfied us that full publicity has been given to the proposals of the local Government and that informed opinion in the province has had every opportunity to consider its recommendations.

*The local Government's proposals.*

218. The proposals submitted to us by the Government of Assam as the result of the investigations referred to in the preceding paragraph are based primarily on population, but consideration has also been given to other factors, such as voting strength, area, special difficulties of communication, and the desirability of avoiding the sub-division of administrative units. Save where special circumstances, such as the reservation of seats for the scheduled castes, necessitate plural member constituencies, the local Government are in favour of single-member constituencies. No seats are set aside for urban areas, but the single seat to represent women, the voters for which will be women only, was under their original proposals allotted to municipal areas, and, on the occasion of the first election, to the town of Shillong. The average area in square miles of a general and of a Muhammadan seat under the present constitution is 1,569 and 2,772 square miles, respectively. Under the local Government's proposals, these figures will be reduced to 587 and 811 square miles. The average population per seat will fall from a present figure of 260,000 for general and 229,000 for Muhammadan seats to 103,000 and 81,000 respectively. The 81 seats allotted to Hindus (including the scheduled castes) and Muhammadans have been divided between the Assam and the Surma Valleys in the proportions of 44 : 37. Of these 32 general (including three scheduled caste) and twelve Muhammadan seats are allotted to the Assam Valley, and fifteen general (including four scheduled caste) and twenty-two Muhammadan, are allotted to the Surma Valley.

*The question of urban and rural.*

219. The question of the relative representation of urban and rural is of little importance in Assam. The province contains only three towns of any size, Shillong, Gauhati, and Sylhet. The largest of these, Shillong, has a population (including the cantonment) of 26,536 only. The population of Gauhati is 21,797 and that of Sylhet 21,435. Under the present constitution, one urban seat is assigned to Shillong. This the local Government propose to abolish, and, while the seat reserved for women will be assigned to Shillong, no seat will be set aside to represent urban interests as such. Having regard to the relative unimportance of those interests, we are content to accept the recommendation of the local

be necessary the steps by which we have reached our conclusion regarding it. The position may be illustrated by the following table:—

—	Area in sq. miles.	Population*.		No. of seats allotted under local Government's proposals.		No. of voters.	
		General.	Muham-madan.	General.	Muham-madan.	General.	Muham-madan.
Assam Valley	.. 20,894	2,723,000 (S. C. 183,000)	938,000	32 (S. C. 3)	12	280,000 (S. C. 13,000)	72,000
Surma Valley	.. 7,450	132,000 (S. C. 388,000)	1,800,000	15 (S. C. 4)	22	143,000 (S. C. 61,000) (including Naths).	198,000

\*Including Scheduled Castes, but excluding Backward Tribal population in constituencies, tea garden population, and Indian Christians.

224. Here as elsewhere we accept population as the essential basis of our delimitation, though here as elsewhere we are prepared to make minor adjustments where circumstances such as voting strength, area, communications, etc., in our opinion, make them desirable. For convenience we deal first with the seats allotted to the scheduled castes—a matter to which we also refer in Chapter V of our Report. Under the local Government's proposals, three seats are allotted to the Assam Valley and four to the Surma Valley. On population the Assam Valley is entitled to 2.2 seats and the Surma Valley to 4.8. On the other hand, while the bulk of the scheduled caste population is settled in the Surma Valley, the numbers of those castes in the Assam Valley are by no means negligible, and the large area of that Valley and the scattered nature of the scheduled caste population which inhabits it may be held to justify a larger number of seats than mere population would justify. If the number of scheduled caste seats in the Assam Valley were reduced to two, these would have to be assigned to the districts of Kainrup and Nowgong, with the result that a number of districts, with a substantial scheduled caste population, would be left without any scheduled caste representation in the provincial assembly. Finally, while a claim for five seats for the Surma Valley has been urged before us, that claim would appear to be of recent growth, and the allocation in the proportion of 4 : 3 recommended by the local Government had the full support of the Provincial Franchise Committee and of the bulk of public opinion. We have found some difficulty in these circumstances in reaching a conclusion. But on a review of the position as a whole, we recommend, though with a recognition of the fact that the balance of the conflicting considerations is somewhat delicately adjusted, that the number of scheduled caste seats allotted to the Assam Valley should remain fixed at the figure of three, as recommended by the local Government, and that no increase should be made in the number of scheduled caste seats allotted to the Surma Valley.

225. We have carefully considered the claims of the Surma Valley to additional unreserved general seats, but we regard it as without foundation. Indeed, applying the criterion of population alone, there is some case for holding that the fifteen seats allotted to the Surma Valley under

examined the desirability with a view to securing more effective representation for the scheduled castes, of establishing plural-member constituencies containing three seats, one of which would be reserved for the scheduled castes, in

- (i) Gauhati Sadr ;
- (ii) the Habiganj sub-division ; and
- (iii) the Karimganj sub-division.

The local Government are opposed to the creation of plural-member constituencies in the Habiganj and Karimganj sub-divisions, on the ground that the resultant constituencies would be unmanageable, and we accept their view. They agree as to the advantage of a plural-member constituency in Gauhati Sadr and we recommend this. We may add that the plural-member constituency now proposed for Gauhati Sadr is calculated to serve the interests not only of the scheduled castes, but of the domiciled Bengalis, who have strongly urged on us their claims to consideration.

#### *The Golapganj Thana.*

229. The suggestion has been advanced to us that the Muhammadan constituencies recommended by the local Government in the Sylhet Sadar sub-division should be re-arranged with a view to the creation of one constituency consisting of the three Jaintia Pargana *thanas* of Kanairghat, Gowainghat and Jaintiapur, and one constituency consisting of Golapganj *thana*, or, if it is thought that the area and population of that *thana* by itself is too small to justify constituting it an independent constituency, a constituency consisting of Golapganj and the neighbouring *thana* of Fenchuganj. We have carefully considered these proposals. But in the light of the information we have received regarding them, we are satisfied that they are not practicable. The rearrangement proposed would involve on the one hand the framing of a single constituency to cover the Jaintia Parganas (Kanairghat, Gowainghat and Jaintiapur *thanas*). This constituency would have a Muhammadan population of 111,000 with 12,000 voters, and would cover an area of 480 square miles, or practically half of the whole area of the Sadar sub-division. If Golapganj *thana* alone were formed into a second constituency, the constituency would contain a population of 61,000 with 6,000 voters, and an area of 107 square miles. It would thus be disproportionately small. The area of the *thana* of Fenchuganj, which under the local Government's proposals forms a single constituency with the *thana* of Balaganj, is 42 square miles, and its Muhammadan population 15,000. Its addition to the Golapganj *thana* would, it is true, produce a constituency with population and voting strength approximating to the average. On the other hand, the inclusion of the Fenchuganj *thana* in the proposed constituency would leave the *thana* of Balaganj, which covers 148 square miles, and has a Muhammadan population of 63,000 only, to form a single constituency, and the size of this constituency would be so markedly smaller than the average as to be difficult to

## IX.—THE NORTH WEST FRONTIER PROVINCE.

231. *Statistics.*

Area .. .. .. .. ..	13,518	square miles.
Number of districts .. .. .. .. ..	5	
Number of tahsils .. .. .. .. ..	16	
Population—		
Total population .. .. .. .. ..	2,425,000	
Hindus .. .. .. .. ..	143,000	
Muhammadans .. .. .. .. ..	2,227,000	
Sikhs .. .. .. .. ..	42,500	
Unit of constituency .. .. .. .. ..		Tahsils & Police stations.

*Distribution of seats.*

232. The present Legislative Council consists of two urban and 23 rural Muhammadan constituencies and one urban and five general constituencies, one for Sikhs and two for Landholders—total 34. The future Legislative Assembly will be composed as follows:—

General .. .. .. .. ..	9
Sikhs .. .. .. .. ..	3
Muhammadan .. .. .. .. ..	36
Landholders .. .. .. .. ..	2
	—
Total .. .. .. .. ..	50

*Preparatory work by local Government.*

233. Shortly after the publication of the White Paper of 1933, in which the composition of Provincial Legislative Assemblies was provisionally laid down, the local Government consulted the Provincial Franchise Committee as to the general distribution of seats between the various districts and as to the division between urban and rural seats. On the basis of this general distribution Deputy Commissioners were then instructed to consult their District Franchise Committees as to the distribution in detail.

234. As a result of these consultations a considerable measure of agreement was reached. After further considering the few points on which dispute had arisen the local Government formulated provisional proposals which were formally put before a full meeting of the Provincial Franchise Committee on 28th March 1935. The conclusions of this Committee (on most points unanimous, on others by a majority) were provisionally accepted by the local Government, who published them on the 3rd August 1935 with a memorandum inviting expressions of opinion upon them either by individuals or by associations in the Province. Wide publicity was given to the memorandum and representations have been received from certain persons in the districts of Peshawar, Kohat and Hazara.

235. These representations were further considered by a meeting of the Provincial Franchise Committee on 13th September 1935 which was attended by fifteen out of the seventeen members. After careful consideration of the minutes of this meeting and of the representations mentioned above, the local Government have now formed their own conclusions. They coincide in practically all details with the recommendations of the Provincial Committee.

239. Against this objection, and in support of the proposal of the local Government, it is urged that it would be inconvenient to cut off parts of the municipality and to include them, even though of natural affinity, in the rural constituency of Kamalzai. Apart from being a transgression of the accepted principle of differentiation, it would also involve a departure from recognised administrative boundaries. Lastly, it appears probable that future development will tend to obliterate rather than to maintain the distinction between the purely agricultural area and the large bazaar. This view is supported by a large majority of the Provincial Franchise Committee.

240. Obviously all cantonments must be regarded as urban in character. The population of the Mardan cantonment is below 1,000. The rest of the population of Mardan municipality, almost entirely composed of Pathans of the Yusufzai clan, is 18,588. The shopkeepers and non-agriculturists are Hindus and Sikhs, who would not have any vote in this Muhammadan constituency.

*Our recommendations.*

241. The question therefore is whether we should make an exception in this case to the general rule that the larger municipal areas should be included in urban constituencies, and, recognising that the large majority of the electors would be genuine agriculturists, place them in the adjoining rural constituency of Kamalzai, with which, in fact, they are directly and intimately connected and which they themselves undoubtedly desire to join. This would mean adding a population of some 18,500, with a voting strength of perhaps 1,300, to a constituency with a population of 58,838 and 4,386 electors. The increase in the size of the constituency would not make it unduly large. After very careful examination of the whole case we have arrived at the opinion that the best arrangement for the three urban Muhammadan constituencies will be as follows :—

1. Peshawar City, Peshawar Cantonment with Risalpur and Nowshera Cantonment two seats.
2. Municipalities and cantonments of Kohat, Bannu, Dera Ismail Khan and Abbottabad with the two cantonments of :—

Mardan and Cherat one seat.

The other four municipalities of Haripur, Nawansher, Baffa and Mardan would go into rural constituencies.

This arrangement will also meet an objection that Peshawar Cantonment should not be separated from Peshawar City.

*The rural constituencies.*

242. Turning now to the rural constituencies, the local Government, taking the *tahsils* of the districts, with their convenient and well recognised boundaries, as the unit, have endeavoured to divide these into blocks, composed of district board circles, or areas under the jurisdiction of various police stations, which are, as far as may be possible, equal in population and which are geographically and tribally compact and homogeneous.

delimitation of a Muhammadan constituency on religious lines should be studiously avoided.

It was contended that the people of the Marai Bala district board circle had no affinities with the rest of the Hangu *tahsil*. In discussion with the local Government we are informed that this was not the case. Hangu *tahsil* including Marai Bala is also geographically very compact, and is roughly of the same size as the adjoining constituency of Kohat. Admittedly a departure from the general principle of keeping the *tahsil* boundaries intact is involved. But the object of this was to include the greatest possible portion of the Shia community in one constituency. The arrangement of this constituency has the approval of that community. The Provincial Franchise Committee was strongly in favour of it, and the local Government support it. We recommend therefore that the Kohat *tahsil* should be divided as proposed.

246. The last protest, as regards Muhammadan constituencies came from Hazara district where objection was taken to the division of the Haripur *tahsil*. The suggestion was made that the Haripur north constituency should be confined to the Ghazi and Torbela police stations, and that the northern part of Haripur police station under the Government's schemes to be placed in the northern constituency, should be included in Haripur Central constituency, while the third constituency (Haripur South) should consist of Khanpur Police station and the portion of the Haripur Police station to the east of the trunk road, instead of the southern portion of Haripur police station now included therein.

The objections that were taken to the constituencies as proposed by Government were three :—

- (a) That the formation is not based on any political, tribal or geographical basis.
- (b) That a population of 1,000 (approximately) has been added to the Ghazi-Torbela constituency, which is unfair, as the part which is added on is compact, and the part to which it is added is hilly and stretches over a wide area, thus jeopardizing the interests of candidates from the hilly tracts.
- (c) That the Haripur portion of the Ghazi-Torbela constituency has nothing in common with the main portion of the constituency, and its influence will be pernicious.

As regards point (a), a reference to the map will indicate that all the constituencies proposed by the Government are homogeneous and as compact as it is possible for them to be, having due regard to the principle of having as far as possible the same strength of population in the different constituencies. It appears to us also that the political division, too, is equitable, inasmuch as the main division of tribes is kept intact, and an equal chance of success is given to a candidate from tribes like the Gujars, Tarin Pathans, Dilazaks, Turks and Awans.

As regards points (b) and (c), it is true that a compact plain area has been added on to a hilly tract. But this criticism can be applied with equal force to other constituencies in the Abbottabad or Manséhra *tahsils*.

## X.—ORISSA.

*Statistics.*

Area*	..	..	..	..	32,681 sq. miles.
Number of districts	..	..	..	..	6
Number of sub-divisions	..	..	..	..	18
Number of <i>tahsils</i> and sub- <i>tahsils</i>	..	..	..	..	68
Population—					
Total population	..	..	..	..	8,174,000
Hindus (including scheduled castes and backward tribes)	..	..	..	..	8,043,000
Scheduled castes	..	..	..	..	1,007,000
Backward tribes	..	..	..	..	1,175,000
Muhammadans	..	..	..	..	131,000
Indian Christians	..	..	..	..	37,000
Unit of constituency	..	..	..	..	Sub-division ( <i>taluk</i> in the case of constituencies transferred from Madras).

\* There are no excluded or partially excluded areas in Orissa.

*Distribution of seats.*

249. In the present Bihar and Orissa Legislative Council Orissa has 10 seats. The future Legislative Assembly will contain 60 seats distributed as follows:—

General (including two non-communal women's seats)	..	..	40
Scheduled castes	..	..	6
Backward tribes	..	..	5
Muhammadan	..	..	4
Indian Christian	..	..	1
Commerce	..	..	1
Landholders	..	..	2
Labour	..	..	1

In the circumstances discussed in paragraph 612 of Chapter XIV of our Report we have recommended that four of the five seats assigned to representatives of backward areas and backward tribes should be filled by nomination.

*Preparatory work by the local Government.*

250. The steps taken for discussion and publication of the proposals of the local Government have been described in paragraph 171 above. The Delimitation Committee formed for the purpose by the Government of Bihar and Orissa was composed of two officials, five Members of the Legislative Council who represented Orissa, two of the principal zamindars, a lady, and a representative from Ganjam.

alleged that this would be in accordance with the practice prevailing in the Madras Presidency. Enquiries however showed that this was unnecessary, and in fact, the suggestion was withdrawn at the second meeting of the Orissa Franchise Committee on October 17th. At the same meeting the Committee withdrew its previous recommendation for the creation in Ganjam of a triple-member constituency with the single non-transferable vote. Having, however, regard to the character of the constituency and of the minority which this arrangement is designed to benefit, we recommend in this case recourse to the single non-transferable vote, and also, after examining the possible alternatives, we consider a multiple three-member constituency the best solution. We also recommend that the Parlakimedi constituency should consist of the state of that name with the Parlakimedi Maliahs and the Bodokimedi Maliahs (population 121,000 : voting strength 9,947), and that Gunupur, Rayagada, and Bissam-Cuttack should be included in the Koraput constituency (population 180,700 : voting strength 12,878).

256. We support the proposals of the local Government and the Committee with the modifications outlined above. The actual delimitation of the territorial constituencies will be found in Appendix XIII in Volume II of our Report. The divergence in population or voting strength in different districts is explained by the necessity for adhering to administrative boundaries. We are satisfied that the Muhammadan constituencies, the seats reserved for scheduled castes, and the single seat to be filled by direct election by the backward tribes to be assigned to backward tribes, have been judiciously located.

257. It is of interest to note that the average area of a Muhammadan constituency at present is 12,025 square miles and the population 124,170 : for a general constituency the figures are 1,718 square miles and 688,379. In the future Legislative Assembly the average area of a Muhammadan constituency will be 8,170 square miles and the population 32,808. The respective figures for the general constituencies will be 908 square miles and 223,417. In a General constituency under the new constitution the average voting strength will rise from 7,696 to 12,775, while in the new Muhammadan constituencies, the average electorate per constituency will be 1,957 against 1,434 at the present time, an increase of only 523.

The Sind Provincial Delimitation Committee expressed the following view :—

“ We have come to the conclusion that, having regard to the existing conditions, and the ultimate purpose of the enfranchisement of the people, single-member constituencies offer, as against multi-member constituencies, overwhelming advantages. It is true that hitherto multi-member constituencies have served their purpose during the period of transition, but their purpose has been a limited one. Electorates have been small and representatives in the Councils comparatively few in number. Times are now to change. The franchise is to be greatly extended, and the new Government of India Act is to bring into existence a Government responsible to the people in far greater measure than hitherto. It is, therefore, above all things necessary that contact between the Government and the people through their chosen representatives should be as close, simple, direct and effective as possible, and this cannot be the case where multiple representation divides responsibility. ”

The objections to multi-member constituencies are indeed numerous. By reason of their plural nature, their larger area, the lesser contact between the people and those who represent them, the multiplicity of votes, of voters and of representatives, multi-member constituencies offer greater opportunities for manipulation and intrigue, for the evasion of responsibility, the practice of deception, and for the buying and selling of votes, than do single-member constituencies where one representative is alone answerable to a smaller number of electors.”

262. Among the 33 Muhammadan constituencies Karachi only is recognised as urban and two urban seats are assigned to it. Other towns such as Hyderabad, Sukkur, Shikarpur and Jacobabad are included in single-member rural constituencies. The average population per rural Muhammadan seat is 87,353. Deviations from this are few and are justified by the maintenance of the revenue division—the *talukā*—as the unit for both electoral and administrative purposes.

263. In the general constituencies the average population per seat is 58,001. The Upper Sind Frontier District, with a population of only 25,611 is given a seat, as the Committee, quite rightly in our view, considered that no district should go without representation. Apart from this there is little deviation from the standard. Tharparkar South with an area of 7,450 sq. miles has a population of 94,358, but this constituency includes a large portion of the Sind desert with nomad inhabitants. It is proposed to give two urban seats to Karachi City and one to Hyderabad City Central. Two wards of the latter town are however included in the adjoining rural constituency.

for example as Shias, would be very ill-advised and indeed dangerous. Among the Hindus in Sind also there is an absence of those political parties or communities which are found in the Bombay Presidency. There are no seats reserved for either scheduled castes or Mahrattas. The average population in Sind is 84 per square mile : in the Presidency it is 291. Sind is badly served in the matter of railway and road communications as compared with Bombay. In many parts of the province special preparations have to be made to render the roads passable for motor cars. It is, we consider, decisively proved that if, as in Bombay, a whole district were made the constituency, an undue strain would be placed on the candidates. Even as it is, the average area of a Muhammadan constituency will be 1,495 square miles, and that of a general constituency 3,089 square miles. The average population and voting strength of a Muhammadan and a general constituency will be 87,353 and 12,699 in the case of a Muhammadan constituency and 58,001 and 6,569 in the case of a general constituency.

267. We noticed also from a perusal of the papers communicated to us that the local administration's initial delimitation of the province into multi-member constituencies was in response to a letter from the Government of Bombay which clearly stated that—

“ Government have decided that multi-membered constituencies with the method of cumulative voting should be retained under the new constitution. As the strength of the Sind Provincial Assembly is to be 60, the constituencies will be smaller in area, while the number of seats available for each constituency will be larger than at present. It may, therefore, be necessary to form multi-membered constituencies as a rule. It appears, however, that the practical difficulties of conducting an election to a multi-member constituency necessitates the limitation of the number of seats at a number not exceeding three.”

We consider that the Sind Franchise Committee were fully justified in reconsidering the recommendations made by the local administration in response to this order, and we are of opinion that, given the very marked difference between the conditions, social and geographical, prevailing in Sind and the Bombay Presidency, multi-member constituencies would be unsuitable. We recommend therefore that the proposals of the Sind Committee, supported as they are by the present Sind Administration, should be accepted.

*Representations in connection with individual constituencies.*

268. In regard to the other points referred to in paragraph 264, we decided that no other urban Muhammadan constituencies could be created. Their creation would make other rural constituencies inconvenient, in point of population and geographical distribution. We thought it necessary also, to retain the five rural Muhammadan constituencies in the Hyderabad district. The revised distribution suggested for the Tharparkar Northern and Western constituencies was accepted. It was

## CHAPTER V.—THE SCHEDULED CASTES AND THE “ POONA PACT ”.

271. The scheduled caste population in each province in which seats are reserved for the scheduled castes is given in Chapter IV of our Report. In two provinces, Sind and the North West Frontier Province, there are no such seats.

272. Before discussing the distribution of the seats, the arrangements for the primary election, and consequential procedure, it is necessary to attempt a definite exposition of what the “ Poona Pact ” really means. It was a compromise arrived at between the leaders of the depressed classes or ‘ Harijans ’, and the rest of the Hindu community on September 24th 1932.

### *The Poona Pact.*

273. The important clause of the “ Poona Pact ” which has been the subject of so much keen controversy runs as follows :—

“ Election to these seats shall be by joint electorate, subject however to the following procedure. All the members of the depressed classes registered in the general electoral roll of a constituency will form an electoral college, which will elect a panel of four candidates belonging to the depressed classes for each of such reserved seats by the method of the single vote, and the four persons getting the highest number of votes in such primary election shall be the candidates for election by the general electorate.”

274. Now this apparently simple document has given rise to much discussion, and in every province evidence was led to show what, in that province, various parties believed its implications to be, and what they thought should be the rules or regulations to give effect to them. As in other matters there was considerable divergence of opinion. While for example in Bihar we were told that it might be difficult in some constituencies to get a Harijan candidate, and that it would generally be necessary for someone else to finance him, in Bengal there are districts where they fear a multiplicity of candidates, and where also it appears probable that members of the scheduled castes would capture the open or non-reserved seat, as well as that reserved.

275. It is generally admitted that the object of this agreement was two-fold. First, to advance and safeguard the interests of the depressed classes, and, secondly, to prevent any division in the Hindu community. Therefore, so it appears to us, the two essentials in this pact are similarly, first, that every opportunity must be given in the shape of a primary election to the Harijans to obtain candidates of their own choice, elected by them, and, secondly, that there should be a joint electorate for the final election, the voters being free and able to vote, should they so wish, for both the scheduled caste candidate and the Hindu candidate.

276. The agreement was, it appears, concluded under conditions\* which precluded any close examination of all its implications, nor does there

\* *Vide Volume III, page 50.*

individual judgment, deems it right to order a new election in the hope of obtaining four candidates.

- (ii) Withdrawals should not be permitted. It is an essential part of the pact that there should be four Harijan candidates at the final election. Preferably there should be five or more candidates at the primary election. Rules should be made to admit of the replacement of withdrawals, and failing such replacement there could be no election to the reserved seat.
- (iii) The scheduled castes having been given the privilege of reserved seats, which can only be held by one of their number, a candidate from those castes should only be allowed to appear at the final election, if he has come through the panel and thus obtained the approval of his caste fellows, as shewn by the voting at the primary election. It was urged that the object of the panel election was to secure to the Harijans their best representative.
- (iv) Any dispute regarding the primary election should await settlement till after the final election had been decided, when an election inquiry could be held. Should the election be declared void there would have to be another election, but only for the reserved seat, by the joint electorate.
- (v) Since for purposes of convenience two distinct elections are held together, the compulsory distributive system of voting should be adopted.
- (vi) The elections to the two seats being in reality two separate operations, the Harijan candidate is necessarily confined to the reserved seat, and could not claim the non-reserved seat.

*The Scheduled caste view.*

279. The answers from the representatives of the scheduled castes, including Dr. Ambedkar, whose evidence will be found at page 65 of Volume III of our Report were very different. They were as follows:—

(i) The reason why the number of four candidates was chosen as being desirable at the primary election was to give the caste Hindus an opportunity of running their own candidate. Four was taken as the maximum after considerable negotiation, and was a concession to those Harijans who were in favour of establishing contact with the caste Hindus. In actual fact, plurality of candidates meant the 'watering down' of the representation of the scheduled castes, but it was agreed to because it was recognised that any candidate elected at the primary election must have secured at least the approval of 25 per cent. of the voting population of the depressed classes. Four is the maximum, meaning "not more than four". It does not mean "not less than four".

(ii) Obviously if it was permissible for only one candidate to stand at the primary election, withdrawals would be permissible, and in any event could not be prevented, though forfeiture of deposit, in the event of a withdrawal after the result of the primary election had been declared, might

be discouraged, but cannot be prevented. If there is only one candidate as the result of the primary election, or on account of subsequent withdrawals, that candidate should be returned unopposed for the reserved seat at the final election. A withdrawal, after the prescribed time, after the primary election should involve forfeiture of the deposit. We are unable to discover any satisfactory procedure by which, after the panel or primary election is concluded, any vacancy in the number of scheduled caste candidates can be filled up. In all provinces, except Bengal, we think there should be no restriction on a member of the scheduled castes standing for the open seat. Such a man should be allowed, if he thinks fit, to decline to be a candidate at the primary election, and stand only at the final election. In this event he should not be eligible for the reserved seat, but only for the non-reserved.

282. In Bengal the conditions are exceptional and we advise that it should be prescribed under paragraph 7 (b) of Schedule V of the Government of India Act that no member of the scheduled castes, not elected at the primary election, shall be qualified to hold a seat in a constituency where there is a general seat reserved for scheduled castes. In the other provinces, as will be seen from the statistics, the proportion of the scheduled castes to the whole electorate is so small as to render any such provision unnecessary. We draw attention to the fact that this recommendation has the assent of one of the authors of the Poona Pact (Volume III, page 68).

283. Two provinces strongly recommended the use of the single-non-transferable vote, not only in the primary election, as agreed on in the Poona Pact, but also in the final election. Our view is, as stated in paragraph 46 above, that this runs counter at any rate to the spirit of the pact, the essence of which is combination and mutual exchange, combined, we submit, with the freedom of the elector and, so far as is possible, the protection of minorities. We therefore recommend the use of the cumulative vote, the elector being allowed at the final election to divide or to combine his two votes.

284. We entertain no doubt whatever that if, in the final election, two panel candidates head the poll, the first should be declared elected for the reserved seat, and the second for the non-reserved. We cannot accept the contention that the primary and the final elections are two separate elections, one for the reserved and the other for the non-reserved seat. The essence of the pact appears to us to lie in the joint electorate at one synchronous election.

*Challenge of primary election.*

285. To bring into prominence the complications involved in the challenge of the primary election, after the final election, the following case was put by way of illustration. In dealing with this, it is necessary to remember that we received from some witnesses from the scheduled castes deplorably frank admissions regarding the possible sale of votes, or purchase of candidates.

*Deposit at election.*

287. The evidence we received regarding the amount of the deposits that should be made by a scheduled caste candidate varied considerably. Evidence was adduced to show, and in some cases it was admitted, that in most provinces the Harijan, whether voter or candidate, is indigent, ignorant and corruptible. On the other hand, it has to be recognised that, in view of the large number of seats assigned to the scheduled castes by the Poona Pact, it seems probable that the various political parties of the general Hindu community will be most anxious to secure in the Legislative Assembly the votes of the candidates returned for the reserved seats. It is not unlikely therefore that the brains, the money, and the organization of these parties will, in many areas, be placed at the disposal of the scheduled caste candidates, and that this might extend to the financing of litigation. Lastly, there are various castes among the scheduled castes. In Bihar and Bombay the reserved seats for the scheduled castes were selected with a view to giving representation to different castes. Evidence we received seemed to us to disclose that competitors might invite assistance from the caste Hindus. Indeed we noticed in some witnesses a disposition to rely on it, as the determining factor in the final election. The lack of cohesion among the scheduled castes, and the novelty of the enterprise on which they will be engaged, render it necessary to make special provisions in connection with primary elections.

288. We would place the deposit to be made by a panel candidate at Rs. 50. It is necessary to preclude freak candidates and yet not to place the deposit so high as to discourage the genuine candidate. This sum should also be sufficiently appreciable to discourage withdrawal and forfeiture. Some local Governments considered that there should be no forfeiture of deposit in the case of the primary election, since it was desirable to encourage candidates to come forward. Others regarded it as desirable to prevent persons standing only to complicate matters. We are of opinion that the deposit should be forfeited, if any candidate at the primary election obtains less than a quarter of the lowest number of votes polled by any one of the successful candidates. Should an unsuccessful candidate at the primary election demand the summary enquiry we have proposed, he should deposit Rs. 250, but if he wishes to challenge the result of the final elections, he should make the same deposit as other candidates, *viz.*, Rs. 1,000. The deposit of Rs. 50 for candidature should cover both the primary and final elections.

## BENGAL.

289. In paragraph 282 above, we suggested a special provision for Bengal in restriction of candidature. If for any constituency two scheduled caste candidates headed the poll, and the second candidate therefore gained the open seat, what would happen if he died or resigned? We have taken the view that in other provinces all panel candidates *ipso facto* become candidates for the unreserved seat. But in this case, unless special provision is made in respect of bye-elections, the constituency

## MADRAS.

293. The population of the scheduled castes in Madras approaches seven millions. Each district in Madras contains a total average general population (including scheduled castes) of over one and three quarter millions. Here and elsewhere we received a large number of representations concerning the scheduled castes, several of which it was outside our powers to entertain, e.g., requests that they should receive representation in the provincial Upper House, while claims were advanced in Madras on behalf of the following communities for inclusion in the scheduled castes, Tiyas and Izhavas from Malabar, Gavaras, Vanniakula Kshatriyas, and Arunthuthiyars. Elsewhere fishermen and barbers (*Nais*) also demanded special representation.

*Basis of distribution of seats.*

294. A scheduled caste sub-committee of the Provincial Committee was appointed to examine the proposed distribution of the reserved seats in constituencies as between the Telugu speaking and the Tamil speaking districts. The Government of Madras laid down the following principle to govern the reservation of seats :—

“The Government consider that the reservation of seats for the members of the scheduled castes should be made on the general principle that a seat should be reserved in the constituency in each district (except the Nilgiris, where the scheduled caste population is too small to justify the reservation of a seat) which contains the largest population of the scheduled castes, with due regard to the total population of the constituency and subject to the maintenance of a due proportion of seats between the different linguistic areas of the Presidency.”

*The proposals of the local Government.*

295. The proposals presented to us were based on the assumption that the ordinary general constituencies would be single-member constituencies. As stated in the previous chapter we have advised multi-member constituencies in the Madras Presidency, one of the reasons leading us to this decision being that their adoption would make it possible to enfranchise, for this purpose, a much larger scheduled caste electorate. To give an example. The original proposals gave one reserved seat to the Puttur and Tiruttani *talukas* in Chittoor district, enfranchising 6,000 persons. In the revised proposals the Chittoor and Madanapalli divisions are made one constituency with one reserved seat, thus including an area with a scheduled caste population of 120,422 and a voting strength of 10,037. We find that this arrangement has met most, if not all, of the protests we received against exclusion, or suggestions for any alterations in the constituencies. Inevitably in each district there must be one or more constituencies where no seat can be reserved for the scheduled castes, but it must be remembered that these, in some cases with a voting strength of over 6,000, will have a vote in the general constituency.

One seat has been reserved in the general urban constituency of Madras City (South), and the remaining constituencies have, in accordance

ground of over-representation of the Gujarati speaking area, but the majority of the Committee, though agreeing to some extent, did not see their way to reduce the quota of the Gujarati speaking area, as they thought that the scheduled castes of Gujarat were in greater need of protection. From the Bijapur North constituency of the Kanarese speaking area, however, they took away one seat, and gave it to Kolaba, with a scheduled caste population of 45,571.

300. The main consideration that weighed with the Committee was the desirability of distributing these seats in such a manner as to give the minor sub-castes among the scheduled castes a chance of securing some of these seats, and, as they had been informed by the backward class officer that the minor communities among the scheduled castes resided mostly in the towns, the Committee selected among others Ahmednagar South, East Khandesh East, Nasik West, Ratnagiri South and Satara North, as each of those areas included the headquarters town of the district. On further consideration, they also decided that, as Thana South was a predominantly Marathi-speaking area, and had a larger scheduled caste population, the seat originally reserved by the Committee in Thana North should be transferred to Thana South.

301. It appears that the Committee throughout proceeded on the assumption that they should not assign more than one reserved seat to any constituency and that women's seats must be reserved. The result was that in certain constituencies, where there was a reserved seat for women, although the population and voting strength fully justified a reserved seat for the scheduled castes, the Committee thought it was impossible to create a second reserved seat. The Government of Bombay agreed generally with the basis of the allocation of these seats adopted by the Committee. They were of opinion, however, that the needs of Bijapur constituency were stronger than those of the Dharwar North constituency. They therefore proposed that the seat to be given to the Kolaba district, should be taken away from Dharwar North rather than from Bijapur North.

*Discussion of these proposals.*

302. In our discussions with the Government, we accepted the view of the Government and the Committee that in the framing of the scheduled caste constituencies it was reasonable to take into consideration the desirability of giving certain of the more important sub-castes of the scheduled castes an opportunity to return a member. We further agreed that in so far as the local Government in framing these constituencies had departed from population as the sole test, their action was justifiable.

303. We brought to the notice of the Government that it had been represented to us that the Satara district had not been assigned any scheduled caste seat, although the scheduled caste population there was 88,753, and that Thana South with a population of 27,992 only, had been allotted a seat. We also drew their attention to various protests in connection with the distribution of these seats, and asked them to consider the possibility of allotting one more seat to Bombay City.

307. We recommend, in order to meet the exceptional conditions of Bengal, as explained in the preceding paragraph, that special provision should be made under Schedule V, paragraph 7(b) of the Government of India Act. In certain districts in this province, the scheduled caste population is very numerous, *e.g.*, Rangpur (population 533,003 out of 738,641; voting strength 68,389 out of 90,376); Bakarganj (population 224,549 out of 355,186; voting strength 34,927 in 55,149) and Faridpur (population 486,582 out of 816,980; voting strength 72,606 out of 133,888). It seems not improbable, therefore, that candidates from these castes will be able to capture both the reserved and non-reserved seats. Under the circumstances, it appears to us right to prescribe that all scheduled caste candidates should obtain the right to stand only by contesting the primary election.

We accept the distribution of seats proposed by the Government of Bengal.

#### THE UNITED PROVINCES.

##### *Proposals of the local Government.*

308. Twenty seats have been set aside in this province, where the scheduled caste population exceeds twelve and-a-half millions. On the basis of its distribution there should be one urban and nineteen rural seats. The Government of the United Provinces however recommend four urban seats, on the ground that the more enlightened and intelligent scheduled castes, and those best qualified to provide and send suitable representatives to the provincial Assembly, live in the cities. They also thought that the more compact urban areas, with easier facilities for canvassing, would appeal to the better educated class of candidates. The following four urban constituencies which they propose were accepted by the Provincial Conference, and there has been no protest or criticism in regard to them. They are the cities of Lucknow, Cawnpore, Agra and Allahabad.

309. As regards the rural constituencies, requests were received from some scheduled caste representatives that special small constituencies should be formed which candidates could canvass without undue expense. This request could not be entertained, as the constituencies for scheduled castes must, under the terms of the Schedule to the Act, be coterminous with the general constituencies selected for scheduled caste representation. These seats must be selected on the basis that they will give the scheduled castes the fullest representation, having regard to their numbers. The average voting strength of a scheduled caste constituency in the United Provinces, despite the large population, is less than that in Bengal and the areas over which candidates will have to travel are also smaller. In the case of the Almora district, suggested by the Government as one constituency with an area of 5,389 square miles in the Himalayas, we suggested a division into two general constituencies. One of these might be the Almora and the Champawat *tahsil*, and a reserved seat might be given in this constituency to the scheduled castes.

Committee and the Government then proposed that they should be located in the following general constituencies :—

- (1) The Gurgaon district excluding the Gurgaon and Rewari *tahsils* ;
- (2) The Kaithal and Thanesar *Tahsils* of the Karnal district ;
- (3) The Ambala and Simla districts ;
- (4) The Hoshiarpur, Dasuya and Garh Shankar *tahsils* of the Hoshiarpur district ;
- (5) The Jullundur and Amritsar districts ;
- (6) The Ludhiana and Ferozepore districts ;
- (7) The Lahore, Gujranwala and Sheikhupura districts ;
- (8) The Lyallpur and Jhang districts.

It was further proposed by the Government that in these constituencies there should be two ballot papers, one for the caste candidate and the other for the scheduled caste candidate. Each voter should have two votes, of which one must be given for a caste candidate and one for the scheduled caste candidate.

314. The evidence that was led before us urged the location of one of the eight seats in the Una *tahsil* of the Hoshiarpur district rather than in the districts of Lahore-Gujranwala and Sheikhupura, and we referred this matter to the local Government. They however are strongly opposed to allotting the scheduled caste seat to the Una *tahsil* and have pointed out that the Hoshiarpur district of which the *tahsil* forms part, has already a scheduled caste seat. They recommend at the same time a redistribution of the general constituencies which will result in the transfer to the Sialkot-Amritsar constituency of the seat originally allotted by them to Lahore-Gujranwala and Sheikhupura, and we agree as to the desirability of this. We were also urged to allot a scheduled caste seat to Kangra, but we regret that we are unable to accept this proposal. With the modification referred to above in regard to the Sialkot-Amritsar constituency, we recommend the proposals of the local Government for adoption.

#### BIHAR.

##### *Proposals of the local Government.*

315. In the province of Bihar, fifteen seats have been reserved for the scheduled castes, who have a population of nearly five millions. As stated in the last chapter, the local Government wished that the majority of these seats should be given to different constituencies by rotation, only four being fixed. Their reasons for pressing the system of rotation are :—

- (1) That if two seats are permanently allotted to any particular constituency, " that constituency should be larger than the average ; if it is only of average size it is over represented by two members, since the local Government do not subscribe to the view that the existence of a scheduled caste seat gives

constituencies. There was to be one urban seat while the others were to be divided as follows :—

Three to the Nagpur division,  
 Four to the Jubbulpore division,  
 Eight to the Chhattisgarh division, and  
 Four to Berar.

319. In our discussions with the local Government, we raised two points in connection with the location of these seats :—

- (1) Whether the scheduled castes in urban areas will be adequately represented by one seat; and,
- (2) Whether the system of rotation could be accepted.

On our advice, the Government agreed to fix the seats permanently in specific constituencies.

320. We further drew the attention of the Government to the marked disparity which existed between the scheduled caste population of certain of the constituencies, *e.g.*, while Jubbulpore—Patan, where the anticipated number of scheduled caste voters was 1,500, obtained a reserved seat, Mahasamund with a voting strength of 5,700, Gondia (4,600) Katghora (4,800) and Dhamatri (3,600) would receive no representation, and Drug—Bemetara and Baloda Bazar, with a voting strength of 16,400 and 14,100 respectively would receive only one seat each.

The Government admitted the force of our criticism, but defended their suggestions on the ground that the Chhattisgarh division was one of the most backward and the poorest in the province, and that they could not recommend the allocation to it of so large a number of seats as would in effect give it an undue predominance in the provincial Assembly. Moreover, to add substantially to the number of scheduled caste seats in this area would result in upsetting the balance between districts, as well as between the Hindi speaking and Marathi speaking areas. Further, the interests of the scheduled castes residing in various areas were quite distinct, and to allow representation to Chhattisgarh on a mere population basis would be to leave some of the other scheduled castes without a representative. We accept this view.

#### *Our recommendations.*

321. In the light of our discussions with the local Government we consider that one urban seat is sufficient, and that the distribution of the nineteen rural seats finally proposed by the local Government should give adequate representation throughout the province to the scheduled castes as a whole.

#### ASSAM.

322. The scheduled caste population in this province is only 572,490. It receives seven seats to be distributed among 47 general constituencies. As in the case of the general seats, there was considerable discussion as to the distribution between the Assam and the Surma Valleys.

in order to give the scheduled castes of all districts where they are most numerous some representation. The constituencies will be as follows :—

				Population.	Voting strength.
North Cuttack Sadar	..	..	..	63,000	907
East Jajpur	..	..	..	62,605	879
North Puri Sadar	..	..	..	44,000	474
West Bhadrak	..	..	..	46,623	1,163
East Bargarh	..	..	..	42,991	1,462
Askar Surada	..	..	..	29,000	1,228

Should the franchise be lowered, it is possible that the electorates may be increased. We think that despite their low voting strength the scheduled castes in these districts should obtain representation.

We recommend that the proposals of the local Government be accepted.

#### APPENDIX TO CHAPTER V.

*The following table exhibits the result of our proposals.*

	Average scheduled caste population per seat.	Average scheduled caste voting strength per seat.	Scheduled caste population which can only vote in general constituencies.
Madras	138,843	8,643	2,779,462
Bombay	50,509	4,878	915,507
Bengal	253,609	27,503	1,516,658
United Provinces	111,746	6,330	10,356,676
Punjab	91,863	6,522	705,844
Bihar	105,807	2,041	2,903,496
Central Provinces	82,460	6,485	1,278,143
Assam	Not available.	4,457	Not available.
Orissa	48,021	1,019	718,856

special local difficulties, in favour of the reservation of seats in constituencies formed for the purpose and containing both men and women. They added that they were inclined to think it desirable that those constituencies should be both urban and rural, and that they would see no objection to their area being varied by rotation should this prove to be desirable and practicable.

*Provisions of the Government of India Act.*

328. The relevant provisions of the Government of India Act lay down that the seats to be filled by women shall be chosen in territorial constituencies, which shall be either ordinary territorial constituencies (and so multi-member constituencies in which one seat is reserved for a woman representative), or else constituencies specially formed for the purpose of electing women members.

*Questions for decision.*

329. The principal questions for decision in connection with the seats reserved for representatives of women are the following :—

- (a) the nature of the constituencies ;
- (b) the qualifications of electors ;
- (c) the qualifications of candidates ;
- (d) the division of the seats between urban and rural areas ;
- (e) the question of the practicability and desirability of the rotation of seats in any province on the lines mentioned by the Joint Select Committee.

*(a) The nature of the constituencies.*

330. As will be seen from paragraph 328 above, the main alternative methods of constituting the women's constituencies are to reserve seats in ordinary multi-member constituencies, or to create special constituencies under the terms of paragraph 8 (b) of the Fifth Schedule to the Government of India Act.

*Views of local Governments.*

331. The recommendations originally submitted to us by local Governments revealed a distinct difference of opinion on this subject. Bombay, the United Provinces, Bihar and Orissa, and the Central Provinces definitely favoured the reservation of seats in multi-member constituencies, and the desirability of action on these lines was pressed on us with particular insistence in Bombay, where public opinion is strongly in favour of multi-member constituencies wherever practicable. Madras, Bengal, the Punjab, Assam and Sind, on the other hand, indicated their preference for the creation of special constituencies.

*Discussion of proposals.*

332. We have given very careful consideration to the question of the type of constituency to be recommended in the light of the evidence adduced to us and of the circumstances of the different provinces.

*Special women's constituencies recommended.*

335. We are clearly of opinion that the creation of special women's constituencies is the solution best calculated to achieve these objects. It will ensure that the contest for the seat, in so far as there may be a contest, is between women candidates representing different angles of the women's different points of views. It will make it possible to select for the constituencies areas, whether urban or rural, containing educated and advanced women, who can form an electorate likely to return the best type of women member, and it will reduce the real difficulties in keeping in touch with opinion in a constituency. The disadvantages of the reservation of seats for women in multi-member constituencies are obvious. Such constituencies must in the first place be very much wider in area, and must impose a corresponding burden on a woman candidate. The very real difficulties in the second place, which arise in Indian conditions from the presence of undesirable women at the polls, can be reduced by the creation of special women's constituencies in selected areas, to an extent which is hardly practicable under a system of reservation. That this matter is not without its importance from the point of view of facilitating polling by women, and the encouraging of women to record their vote, is illustrated by the correspondence printed on page 80 of Volume III of our report. Finally—and, while this is a point of detail, it is an important point—we would draw attention to the fact that if a woman's seat is reserved in a multi-member constituency in which the other candidates are men, an election petition, resulting in the avoiding of the election of a male candidate consequent on malpractice on the part of one of his supporters, is likely to avoid also the election of the successful woman candidate in the constituency, and to place upon her the burden and the expense of a further contested election, despite the fact that she was in no way responsible for the circumstances which led to the unseating of her colleague.

336. In the circumstances, we recommend that all the seats allotted to women should be filled from special women's constituencies under the provisions of Schedule V, paragraph 8 (b) of the Government of India Act, and after consultation with the local Governments and provincial committees who originally recommended the reservation of seats in multi-member constituencies, we are glad to be able to say that without exception they are prepared to accept our views on this matter. Our detailed recommendations for the individual seats in the various provinces concerned are given in paragraphs 345 to 368 below.

*(b) The qualifications of electors.*

337. The qualifications of electors in the constituencies reserved for women will be those laid down in Schedule VI to the Government of India Act, 1935, and no question arises on which any specific supplementary recommendation is called for from us. We have been strongly urged to restrict the electorate for the Muhammadan women's seat in Sind to women. One lady of influential position declared that from a Muhammadan woman's point of view it was "disgusting" that she should be

would be unwise to aim at an artificial uniformity, and that in those cases in which representative provincial opinion regards it as desirable that the seats allotted to women should, to some extent at any rate, be filled from rural areas, their recommendations should be accepted.

(e) *Advantages and disadvantages of rotation.*

342. The only advantage of rotation is that where the number of seats allotted to a special interest in a provincial legislature is insufficient to represent that special interest effectively in all parts of the province at the same time, rotation does secure over a period of years that every part of the province which is affected has an opportunity to return a member who can ventilate in the legislature local difficulties which may arise in connection with it.

343. The disadvantages of such a system are on the other hand very serious. In the first place it relieves the candidate of any responsibility. A candidate once elected for a constituency included in a rotating series could, if he so wished, turn his back on the constituency, and have nothing more to do with it from the day of his election. He would know that he would not have to seek the suffrage of the same electors at the next election. He would no longer have the same motive for considering the special interests of his constituents, for maintaining contact with them, or for taking steps to improve their political education. The organization which had been built up for the occasion of the election would naturally disintegrate and, until the time came for the constituency again to elect a candidate, possibly after an interval of fifteen or twenty years, it would for practical purposes cease to be in a position to secure any effective representation in the legislature. Any system of rotation, moreover, breaks the continuity of contact between individual candidates and individual constituencies, and interferes with the political education which results from such continuity. It is confusing and difficult for the ordinary elector to understand, and it may provoke discontent when he believes himself to be disfranchised. Finally, in the large majority of cases, even though an individual does not receive a vote in a special constituency, he or she will still enjoy the suffrage in an ordinary territorial communal constituency. It appears to us that it is a question not so much of depriving a particular area of the vote, as of bestowing a privilege on an area selected as best suited for the purpose.

*Rotation not recommended.*

344. The objections of principle to which we have referred in the preceding paragraph are in our view decisive, especially in India, where the idea of the responsibility of the candidate cannot be too strongly developed. Those objections are of general application, and save in special circumstances, such for example as the constituencies created for the representation of tea garden labour, we are accordingly averse from recommending rotation in any case. In these circumstances

to have been made under a misapprehension as to the nature and object of the special women's constituencies for which provision is made under the Government of India Act.

*Our recommendation.*

349. We have discussed this matter, and also the allocation of the seats, at great length with the provincial Committee, with the local Government and with representative women witnesses. In the light of that discussion, we recommend, with the full concurrence of the representative women who appeared before us, and of the local Government, that the six seats allotted to women in Bombay should be reserved in compact special constituencies distributed as follows:—

*General constituencies.*

Bombay City	..	..	Girgaum Ward	..	..	1
			Bhuleshwar Ward	..	..	1
Ahmedabad City	..	..	..	..	..	1
The Municipal borough of Poona City, excluding the suburban and Cantonment areas.						1
Ranebennur taluk in the Dharwar district				..	..	1

*Muhammadan constituency.*

Girgaum Ward of Bombay City	..	..	..	..	1
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**BENGAL.**

*Seats allotted to women.*

350. Five seats are allotted to women in the Provincial Legislative Assembly in Bengal. Of these two fall to the general community, two are Muhammadan and one is reserved for Anglo-Indian women.

*Recommendations of Provincial Advisory Committee and local Government.*

351. The Provincial Advisory Committee, with the approval of the local Government, have recommended that the seats should be filled from special women's constituencies. Under the provisions of the Government of India Act, women only will be eligible to vote for the two seats set aside for Muhammadans. For the remaining seats both men and women will be eligible to vote.

*Our recommendation.*

352. We recommend, in agreement with the view of the local Government, that the two seats reserved for Muhammadan women should be located in Calcutta and in the Dacca and Narayangunge municipalities respectively. The seat reserved for Anglo-Indian women will, in accordance with the wishes of the Anglo-Indian community, be reserved in a four-member constituency comprising one woman's seat and the three ordinary seats allotted to the Anglo-Indian community as a whole, the area of which will be the whole of Bengal. Voting will be by post, save where the Anglo-Indian population is compact, when it will be direct.

a special constituency in Calcutta consisting of the area indicated in Appendix VI of Volume II of our Report. The general effect will be to produce a reasonably compact and representative constituency. The population of the constituency will, it is true, be some 290,000, and we would gladly have recommended a constituency with a smaller population. But we are satisfied from the enquiries we have made that representative female opinion in Calcutta would not regard as acceptable anything less than the proposal which we now put forward for consideration.

### THE UNITED PROVINCES.

#### *Proposals of local Government.*

355. Four general and two Muhammadan seats are reserved for women in the United Provinces. The local Government consider that representation should be given to women in urban and rural areas alike, and they recommend accordingly that two of the seats (one general and one Muhammadan) should be urban, and four (three general and one Muhammadan) rural. They originally proposed that these seats should be reserved in multi-member constituencies.

The local Government recommend Benares, as the chief centre of Hindu culture, as the most appropriate city to return a member for the general urban constituency. In view of the traditional strength of Muhammadan influence and culture in that city, they recommend Lucknow for the Muhammadan urban constituency.

For the general rural constituencies, the local Government, accepting the view of their Advisory Conference, originally recommended Fyzabad district, Moradabad district, and Cawnpore district East, and for the Muhammadan rural constituency Saharanpur district North.

356. We pointed out to the local Government the advantages we saw in the creation of special constituencies for women as opposed to the reservation of seats for them in multi-member constituencies, and we suggested the establishment of special women's constituencies which would be coterminous with the seats which (with the modifications referred to below) the local Government were proposing to reserve in multi-member constituencies. On further consideration, the local Government accepted our suggestion.

#### *Our recommendations.*

357. No difficulty arises about the first and the third of the constituencies proposed by the local Government. In making their choice, they have been guided to some extent by the high percentage of female literacy in the areas in question, and by the desirability on administrative grounds of including the headquarters *tahsil* in the constituency to return a woman.

We have however received strong representations against the proposal to allocate a women's general seat to the Moradabad general constituency and the proposal to allocate the women's Muhammadan rural constituency to Saharanpur. After a very careful investigation of this problem, in which we desire to pay a tribute to the local Government

to Lahore are well founded. We accordingly recommend that one of those seats should be allotted to Lahore City within the Circular Road, and the other to Lahore City and Cantonment outside the Circular Road, with the addition of the Baghbanpura-cum-Bhogiwal Municipality.

### BIHAR.

#### *Proposals of local Government.*

360. Four seats (three general and one Muhammadan) are reserved for women in Bihar. The local Government, in agreement with the unanimous view of the Provincial Delimitation Committee, recommend that these seats should be confined to urban areas, and we accept their view.

The recommendation originally submitted to us was, however, to the effect that the seats should be filled by five constituencies in rotation, consisting of Patna City, of the towns in the Tirhut Division, of the towns in the Bhagalpore Division, of the towns in the Chota Nagpur Division and (in the case of the Muhammadan seat) of the towns in the Patna Division.

361. For the reasons explained in paragraph 343 above, we are strongly opposed to rotation, which we cannot regard as in the best interests of women candidates. The local Government and the Provincial Committee, in the light of discussion with us, have accepted this view, and recommend in substitution for their original proposal that one general and one Muhammadan woman's seat should be located in Patna City Municipality with the area administered by the Patna Administration Committee, and that the two remaining general seats should be located respectively in the Muzaffarpur municipality and in the Bhagalpore municipality. We accept their recommendation.

### THE CENTRAL PROVINCES

#### *Proposals of local Government.*

362. Three seats are allotted to representatives of women under the provisions of the Government of India Act. The recommendations originally submitted to us by the local Government provided for the reservation of these seats in multi-member constituencies in urban areas, and for the rotation of one of the seats between three separate areas.

#### *Our recommendations.*

363. As indicated above we are strongly of opinion that in the interests of facilitating the task of women candidates, which is in any event likely to present difficulties of its own in the early stages of the new constitution, it is in principle preferable that the seats allotted to women should be allotted to special constituencies in compact and easily manageable areas. The local Government, as a result of discussion with us, have in these circumstances submitted revised proposals under which the three seats allotted to women will be based on special women's constituencies, in which men and women will vote, in three selected areas, *viz.*, Amraoti-Akola, Jubbulpore and

women's constituencies to compact areas, and they recommend accordingly that the Cuttack and Berhampore municipalities alone be formed into constituencies. We accept their recommendation.

#### SIND.

368. One general and one Muhammadan seat are reserved for women. The Provincial Committee were in favour of assigning both constituencies to the City of Karachi and no fewer than nine municipalities scattered over the province. We regard the constituencies in question as unnecessarily scattered, and we are of opinion that the right course is to locate both constituencies in a compact urban area, *viz.*, selected wards of Karachi city in the case of the Muhammadan seat, and selected wards of Karachi city, with the addition of two selected wards in Hyderabad city, in the case of the general seat. In the light of discussion with us, and with various representatives of women, the local Committee agreed.

#### ARRANGEMENTS FOR FACILITATING REGISTRATION AND VOTING BY WOMEN.

##### *The Problems.*

369. Under the provisions of the Government of India Act, a woman qualified in respect of property held by her husband and in respect of education is required in certain provinces to make an application to be registered, and will not be entered on the electoral roll in default of such an application. In the provinces of Madras, Bombay, the rural areas of the United Provinces and Assam, this requirement will apply in the case of the first election under the new constitution only. In the provinces of the Punjab, the North-West Frontier Province and Sind, where it is understood that social difficulties are such as to make it impracticable to dispense with the requirements in question in the near future, no period has been fixed under the provisions of the Act for its abrogation. Apart from the specific difficulties which arise in connection with the application requirement, it may be anticipated that, in the early stages of the new constitution, there will be difficulties more or less serious in most provinces in connection with the exercise of the franchise by women. Having regard to the great interest which has been shown by Parliament in facilitating the registration of women in those provinces in which application is required under the provisions of the Act, and in facilitating polling by women in all provinces, we thought it desirable, in the course of the exhaustive enquiries which we have been called upon to make in connection with the constituencies set aside for women to invite all local Governments to furnish us with reports on these two points. We accordingly asked those provinces in which certain electoral qualifications would be registered on application only to inform us what steps, if any, they proposed to take to facilitate such registration. In all provinces we enquired to what extent it would be possible to facilitate the polling of women by providing either (a) polling booths entirely manned by women, or (b) as a minimum a woman officer in attendance at each polling booth, either (i) in all territorial communal constituencies, or (ii) in the special women's constituencies. We further enquired whether it was practicable to provide separate entrances for

of opinion that there would be considerable advantage in action in all provinces on the lines suggested by Bombay, the Punjab, Assam, and Sind, and, more particularly where the women's vote is likely to be of importance as affecting an election, we regard it as probable that full use would be made of such a procedure. We understand that it is in addition at present proposed that a husband should be allowed to apply on behalf of his wife for her registration in all provinces except the Punjab and Assam, subject to suitable penalties in the event of false statements; that in all provinces except the Punjab it is proposed that where for religious or social reasons, objection is taken to mentioning or entering on the roll the name of a woman, she should be permitted to be described on the roll as the "wife of A B C;" and that in all provinces except the United Provinces it should be open to a woman to make application by letter. But we can see no good reason for a differentiation between the different provinces in regard to the arrangements for facilitating application, and we recommend accordingly that application by the husband, the entry of a woman's name as "wife of A B C", and application by letter should be adopted in all provinces without exception.

#### ARRANGEMENTS FOR FACILITATING POLLING OF WOMEN.

##### *Views of local Governments.*

372. The enquiries made by the Government of Madras go to show that it is only in the city of Madras, and the districts of Madura and Malabar, that there are likely to be sufficient women available to provide a woman polling officer or clerk at each polling booth. They propose, however, so far as possible to post a woman polling officer or clerk at each polling station, while in the special women's constituencies they will make a point of seeing that this is done in every case. They propose generally to provide separate entrances and exits for women voters; and in important Muhammadan centres and other places where there is likely to be a heavy poll of women voters they contemplate the provision of separate polling booths.

373. Bombay regard it as impracticable to provide in the case of every territorial communal constituency separate polling booths entirely manned by women, or even a woman officer in attendance. They think it should be possible to provide separate entrances to general booths and exits from them in most constituencies, but they urge that it is unnecessary and needlessly expensive to provide them except in those constituencies where the need for them is felt. The Government of Bengal already provide separate compartments with separate entrances and exits for women voters, suitable arrangements being made for recording votes of purdah ladies so far as practicable. In joint polling stations, at the discretion of the presiding officer, the room may be periodically cleared of all men except the presiding and polling officers, and candidates or their agents, in order that the votes of purdah ladies may be recorded. Male attendants, e.g., the husband or a near relative, are permitted to accompany female voters into the polling stations. Waiting rooms are provided where possible. These arrangements will be continued under the new constitution. Separate polling stations will

think, that, save in Shillong and certain of the larger towns in the province, it would be possible to arrange for the attendance of women officers. Suitable women will in their view certainly not be available in rural areas. In the special women's constituency, which, as stated in paragraph 365 above, will be assigned to Shillong, the local Government will provide special polling booths for women, but elsewhere they regard it as impracticable to make a corresponding arrangement, as the requisite female staff will not be available. In certain cases, separate entrances for women will be possible, but this will depend on the type of building used as polling booth. In the rural areas, the polling booths are generally local board school buildings, and it would as a rule not be feasible to arrange separate entrances. In any event, a wife accompanying her husband will, in the view of the local Government, certainly not wish to be separated from him, and will prefer to use the ordinary entrance. The North-West Frontier Province propose to arrange women in attendance, and separate entrances, in the larger cities and towns, but the shortage of educated women to assist in polling booths is a difficulty in rural areas. The Commissioner in Sind does not anticipate difficulty in setting apart separate polling booths for women voters with women presiding and polling officers on the assumption that the women's special constituencies comprise certain municipal areas only. He regards it as in any case possible to arrange for the attendance of a woman officer at every polling station in the special women's constituencies.

*Our recommendations.*

375. This is a question which must turn on conditions in the different provinces, on the number of educated ladies who are available and willing to assist in the polling arrangements, and on matters such as the type of building used for polling. From the information given in the preceding paragraphs, it will be seen, however, that the local Governments are alive to the desirability of taking any steps practicable in the conditions of their provinces to facilitate the polling of women. We are ourselves disposed to think that it would be desirable that local Governments should spare no effort to arrange that at any rate in the special women's constituencies a woman should be in attendance at each polling booth, and that where practicable separate polling booths with a female staff should be provided. A woman in attendance would not only be able to assist women who are uncertain of the procedure to be adopted or who felt diffidence in asking questions of male officers ; she should also be of much value in dealing with any attempt at personation, since a woman could immediately and effectively challenge a voter in any case in which a man is suspected (and we are informed that such cases are by no means infrequent) of having disguised himself as a woman with a view to impersonating a woman voter. In the Punjab in particular, where we are given to understand that the Sikh women freely vote at the elections to the management of the Sikh shrines, and where we gather that purdah among Sikh women in the rural areas is not a serious problem, we do not see why any insuperable difficulty should exist in making special arrangements to facilitate registration and polling in the Sikh women's constituency.

Madras. There are, however, two other universities of standing in the province,—the Andhra University, founded in 1926, and the Annamalai University founded in 1929. So long ago as the investigations of the Simon Commission, the Government of Madras had recommended that the three universities in question should participate in the elections to the university seat, and they have renewed this recommendation to us. We accept it, and we recommend that the University constituency in Madras should in future consist of the University of Madras, the Andhra University and the Annamalai University.

In the case of the United Provinces, the existing constituency is the University of Allahabad. Representations were received by the Indian Franchise Committee to the effect that it was desirable to enlarge the constituency so as to include in it certain other universities in the province, and the proposals submitted to us by the Government of the United Provinces involve the extension of the constituency to cover the Universities of Lucknow and Agra, as well as the University of Allahabad. We regard this recommendation as fully justified by the standing and history of the university bodies in question, and we recommend it for acceptance.

*Electorate in University constituencies.*

380. The question of the electorate for the University constituencies is one around which a certain amount of controversy has centred. The Indian Franchise Committee, in paragraph 334 of their Report, record, for instance, that the Government of the Central Provinces had originally expressed the view that special representation was not necessary for the University of Nagpur, a view which proved to be based on the fact that the University representative had not in the past ordinarily been a representative of learning. The local Government are stated to have indicated subsequently that in the event of the electorate for the University seat being changed from the graduates to the Senate, they would have no objection to its retention.

*Views of the Indian Franchise Committee.*

381. The question of the electorate was, however, one on which the Indian Franchise Committee found it impossible to make a unanimous recommendation. In paragraph 335 of their report, they say

“ We are not unanimous as to the composition of the electorate for university seats. The majority of us consider, however, that the balance of advantage rests with election by the registered graduates and not by the senate or the court alone, one important argument in favour of this view being the fact that in many cases the senate is largely formed by nomination.”

*The existing qualification.*

382. We have received somewhat varying recommendations from the different Indian provinces as to the electorate in the university constituencies. The existing qualifications vary. In Madras, Calcutta,

## CHAPTER VIII.—LANDHOLDERS.

*The distribution of the seats.*

385. The Indian Franchise Committee recommended that the seats reserved for representatives of the great landholders in certain provinces under the present constitution should be retained under the new constitution, but that there should be no increase in their numbers proportionate to the increase in the size of the various provincial legislatures. Save in one minor particular (the creation of an additional seat for landholders in the Punjab), that recommendation has been accepted by Parliament, and (with the modifications necessitated by the establishment of Orissa and Sind as separate provinces) the seats to be filled by landholders in the future provincial Assemblies will be the same as those reserved for this purpose under the present constitution. The seats in question are as follows :—

Madras .. .. ..	6	Bihar .. .. ..	4
Bombay .. .. ..	2	Central Provinces & Berar ..	3
Bengal .. .. ..	5	North West Frontier Province	2
United Provinces .. .. ..	6	Orissa .. .. ..	2
Punjab .. .. ..	5	Sind .. .. ..	2

386. The detailed recommendations of the various provinces for the qualifications of electors in the landholders' constituencies are given in paragraphs 390 to 421 below. With one or two exceptions, all provinces recommend that the electorate and the qualifications of electors should remain unchanged, and as will be seen, we in general accept their recommendation. No question of special difficulty arises save in connection with the seats allotted to representatives of landholders in the United Provinces, the position in regard to which is discussed in detail in paragraphs 400 to 407 below.

*General desirability of maintaining the qualifications of electors at a high level.*

387. In certain provinces we have received suggestions for a lowering of the qualifications in these constituencies. The object of the constituencies now under consideration is to represent the special interest constituted by the great landholders, as distinct from the small proprietor, or the proprietor of moderate importance, and to enable that special interest to voice itself in the future provincial Assemblies. We regard it as important in these circumstances not so to reduce the franchise qualifications as to deprive the electorate for these seats of its special character, and so to defeat the object with which those seats have been retained under the new constitution. In the case of Bengal, the Central Provinces and Orissa, we agree, however, to small reductions in the level of the qualification.

*Impracticability of a uniform qualification for electors.*

388. The specific proposals of individual provinces and our recommendations regarding them are set out below. The very varying conditions

constituency there are 324 voters, 210 being in the Central Division and 114 in the Southern Division. In these circumstances the present distribution of the seats between the Central, Northern and Southern Divisions would at first sight appear to be somewhat unfair, and to call for revision.

*Views of local Government and Provincial Committee.*

393. This question has been very carefully considered by the Provincial Delimitation Committee and the local Government. They recognise that *prima facie* the disparity in voting strength in the two constituencies may be regarded as calling for justification or as requiring a redistribution of the seats. But after considering all alternatives, including the rotation of one of the seats, to which they remark that they are opposed in principle, they are unanimously in favour of retaining the existing arrangement.

In support of their recommendation they urge that the landholders of the Northern Division are an important and influential class, and that it would be unfair to leave them without representation, and that the interests of the landholders, on the other hand, in the Central and Southern Divisions are very similar, and differ from those of the Northern Division who form a class by themselves. For electoral purposes, in the view of the local Government and their Provincial Committee, it would be easier for the landholders of the Southern Division and the Central Division to combine for the election of a representative than for those of the Northern and Southern Divisions to combine.

*Our recommendations.*

394. In the light of the very full explanation tendered to us on this subject by the local Government, we accept their recommendation that the two seats should be assigned, as at present, one to the Gujarat Sardars and Inamdaras and one to the Deccan Sardars and Inamdaras.

*The qualifications of electors.*

395. The local Government recommend the retention of the existing franchise qualifications which have worked well. Those qualifications are substantially being the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village situated in the constituency, and in addition, in the case of the constituency allotted to the Gujarat Sardars and Inamdaras, being the sole holder on *talukdari* tenure of such a village. We accept the view of the local Government that these qualifications should be retained.

**BENGAL.**

*Distribution of seats : our recommendations.*

396. Five seats are reserved for landholders in Bengal under the existing constitution. One seat is allotted to each of the five administrative divisions in Bengal, and the local Government, in agreement with their Provincial Committee, recommend that this arrangement should continue. We accept their recommendation.

now been in existence for 75 years, while the Agra Zamindars' Association came into existence only 11 years ago and has still to prove itself; the fact that the number of seats allotted to them by the Southborough Committee has already been reduced by one from five to four; the well-known and lavish contributions of the taluqdars of Oudh to every type of progressive good work in the province, and finally the fact that while their numbers may be smaller, and the number of districts over which they are spread less, they represent an infinitely more important consolidated body of opinion and of tradition than the Agra Zamindars.

There are admittedly at least 111 zamindars in the province of Agra paying a land revenue of Rs. 5,000 and upwards who are not members of the Agra Zamindars' Association, and the claim of that association to the two landholders seats at present allotted to Agra is challenged by a rival association known as the Muzaffarnagar Zamindars' Association, which claims to have a number of zamindari members scattered throughout the Agra province. The British Indian Association, on the other hand, are unquestionably representative of all taluqdars without exception. Every taluqdar is automatically a member of the British Indian Association, even if in certain cases the amount of land revenue which he pays falls below the figure of Rs. 5,000 per annum. He cannot cease to be a member of that association so long as he holds his taluq, and his membership of it and the existence of the association itself, is statutorily recognized. The Agra Association has also recently been accorded statutory recognition. But it is admittedly in its early stages, its membership is fluid (for a member can in certain circumstances resign on giving a year's notice), and the general level of wealth of its members is hardly comparable with that of the taluqdars of Oudh. The taluqdars, in these circumstances, strongly urged upon us that in view of the fact that the field from which members of the Agra Association may be recruited is being constantly circumscribed owing to the continual subdivision of estates and the consequent reduction in the land revenue payable each year, there is a real risk that in a relatively short period of time a large number of members of that Association will cease to qualify for membership of the Association, or will qualify in respect of holdings the land revenue of which is very small indeed.

*Original recommendation of the local Government.*

402. The recommendation originally put forward to us by the local Government, with the concurrence of their Provincial Advisory Conference (of which, however, no taluqdar was a member and the proceedings of which were confidential) was that out of the six seats, three should be allotted to the taluqdars of Oudh and three to the Zamindars' Association of Agra. The publication of this recommendation, which had been formulated, as we understand, without any consultation with or notification to the taluqdars, produced a strong remonstrance from the members of the British Indian Association, supported by elaborate documentary evidence designed to show that their claims to retain as a minimum the number of seats which they enjoy under the present constitution were incontestable.

Agra zamindars in their respective provinces, should be the deciding factor. Their opinion at that stage inclined to the view that the really important point was numbers. The suggestion was made to the Agra Zamindars' Association, which had a membership in the general neighbourhood of 550, that they should reduce the qualifying figure for membership of their association from Rs. 5,000 to Rs. 2,500 land revenue per annum—a suggestion which the association appears at that time to have been ready to accept—and so increase their membership to some thousands. And it was on the assumption that if the land revenue qualification was so lowered the strength of the Agra Zamindars' Association would probably approach something in the neighbourhood of 2,000, as against some 379 members of the Taluqdars' Association (the membership of which, owing to its constitution, did not admit of any increase and was not affected by the amount of land revenue paid by an individual), that the local Government expressed the view that considering the very much larger membership of the Agra Zamindars' Association, it would be reasonable that three seats instead of two should be allotted to them. That expression of opinion, which had not been withdrawn, although no action had been taken on it, was still on record when the time of the delimitation of constituencies approached, and on the matter being considered by the Provincial Advisory Conference, on which, while the Agra zamindars were represented, there was no representative of the taluqdars of Oudh, they recommended that the seats should be divided in equal proportions. The local Government accepted their recommendation.

406. In the light of the representations received from the taluqdars of Oudh consequent on the publication of the provincial delimitation proposals, the local Government felt on further consideration that the question was one of such complexity and such difficulty; and one raising such serious issues in the United Provinces, that a general review of it was called for. As a result of that review, they reached the conclusion by a majority that the criterion must be quality and not numbers, that the historic standing, the great wealth and the special position of the taluqdars in relation to Oudh justified the allocation to them of four seats, and that having regard to the undesirability of disturbing the *status quo* unless a decisive case had been established for departing from it, to the still somewhat experimental character of the Agra Zamindars' Association, the lower level of wealth of its members, the very recent date of its establishment and the challenge to its position advanced by another association of zamindars in the Agra province, the allocation of two seats to them would meet the claims of justice. From one representation supplied to us, it would appear that of the members of the British Indian Association, no fewer than 23 pay Rs. 1 lakh land revenue or over as against 8 in the Zamindars' Association. There are 27 who pay land revenue between Rs. 50,000 and Rs. 1 lakh as against 17 in the Agra Association; there are 18 who pay land revenue between Rs. 40,000 and Rs. 50,000 as against 11; 20 who pay land revenue between Rs. 20,000 and Rs. 30,000 as against 28; and 22 who pay land revenue between Rs. 10,000 and Rs. 20,000 as against 54. The number of persons, on the other hand, who belong to the Agra Zamindars' Association and pay land

*Qualifications of electors.*

409. The qualifications of electors will be membership in the one case of the British Indian Association, and in the other of the Agra Zamindars' Association, and assessment to a land revenue of not less than Rs. 10,000 per annum.

## THE PUNJAB.

*Distribution of the seats.*

410. Under the present constitution four seats are allotted to landholders in the Punjab Provincial Legislative Council, one of which has to be filled by a Tumandar. The Indian Franchise Committee recommended the retention of the existing landholders' seats in this, as in other provinces. His Majesty's Government, however, in the Communal Award decided to allot five seats to landholders in the Punjab, and they indicated in the footnote to the award that of these five seats one would be reserved for a Tumandar and that the remaining four seats would be filled from special constituencies with joint electorates. They remarked that it was probable from the distribution of the electorate that the members returned would be one Hindu, one Sikh and two Muhammadans.

*The Tumandars constituency.*

411. No difficulty arises about the seat allotted to the Tumandars since the electorate is in effect prescribed by paragraph 4 of Schedule V of the Government of India Act, which lays down that in the Punjab one seat shall be filled by a Tumandar. The electors in this constituency will be such persons as are recognised by Government as Tumandars, or as may be performing the duties of a Tumandar with the sanction of Government.

*Proposals of the local Government.*

412. The proposals submitted to us by the local Government for the filling of the remaining four seats allotted to landholders will, we are informed, be likely, as anticipated in the Communal Award, to result in the return of one Hindu, one Sikh and two Muhammadan members, election being in joint electorates. The detailed allocation of these seats proposed by the local Government is as follows —

- (i) The Ambala division and the districts of Kangra, Hoshiarpur, Jullundur and Gurdaspur;
- (ii) The districts of Lahore, Amritsar, Sialkot, Sheikhupura, Ferozepur and Ludhiana;
- (iii) The Rawalpindi Division and the districts of Gujranwala and Jhang;
- (iv) The districts of Montgomery, Lyallpur, Multan, Muzaffargarh and Dera Ghazi Khan.

We regard the constituencies proposed by the local Government as suitable and we recommend them for adoption.

aside for the representation of landholders should be filled by representatives of landholders of definite standing in the country, and we are of opinion that if this end is to be attained it would be unwise to reduce the existing franchise qualification. We have considered representations addressed to us by the Central Provinces Zamindars' Association in which they ask that a seat should be reserved for them, but in the light of discussion with the local Government we do not consider that their case has been established. In these circumstances we accept the view of the local Government; and we recommend in agreement with them that, as at present, one of the seats should be allotted to Berar and two to the Central Provinces.

#### NORTH-WEST FRONTIER PROVINCE.

##### *Proposals of the local Government.*

418. Two seats are reserved for landholders in the North-West Frontier Province. Under the existing constitution one of these seats is allotted to the landholders of Peshawar district, the other to the landholders of the districts of Hazara, Kohat, Bannu and Dera Ismail Khan. The local Government, in agreement with their Provincial Franchise Committee, unanimously recommended the retention of these constituencies and we accept their view.

The existing franchise qualification in these constituencies is substantially liability to payment of land revenue of not less than Rs. 250 per annum, or being the recipient of a *muajib, inam, barat* or pension sanctioned by orders passed in settlement operations. The local Government do not recommend any change in these qualifications and we agree that they may be retained.

#### ORISSA.

##### *Proposals of the local Government.*

419. Two seats are allotted to the great landholders in Orissa. The local Government recommend that one of these seats should be assigned to the district of Cuttack, including the Angul sub-division, together with the district of Balasore. They would assign the second seat to the districts of Puri, Sambalpur (including the area to be transferred to this district from the Central Provinces), and the Khondmals sub-division, with the addition of the area to be transferred from Madras to the new province of Orissa. The effect is to give one seat to the landholders of the northern part of the province, and the other to the landholders of the southern part of the province. We regard these proposals as suitable.

The qualification recommended by the local Government, in agreement with their Provincial Franchise Committee, for electors is land revenue of Rs. 3,000 per annum, or liability to road or public works cess of not less than Rs. 500 per annum. In addition tenure holders or sub-proprietors who pay a cess of not less than Rs. 500 per annum will be

## CHAPTER IX.—COMMERCE.

422. The number of seats allotted to commerce and allied interests in the existing provincial Legislatures, excluding Burma, is 47 ; of these, 45 are filled by election, and two by nomination. The number has been raised by the Government of India Act to 56 and the system of nomination has been totally abolished. The following table shows at a glance, the distribution of seats among the various provinces, first under the existing arrangement, and secondly, under the reformed constitution.

Province.					Under the existing arrangement.	Under the reformed constitution.
Madras	..	..	..	..	6	6
Bengal	..	..	..	..	15	19
United Provinces	..	..	..	..	3	3
Assam	..	..	..	..	6	11
Punjab	..	..	..	..	2	1
Central Provinces and Berar	..	..	..	..	3	2
Bihar and Orissa	..	..	..	..	*4	<div style="display: flex; align-items: center;"> <span style="margin-right: 10px;">4 Bihar.</span> <span style="border-left: 1px solid black; padding-left: 10px; margin-right: 10px;">1 Orissa.</span> <span style="border-left: 1px solid black; padding-left: 10px; margin-right: 10px;">7 Bombay.</span> <span style="border-left: 1px solid black; padding-left: 10px;">2 Sind.</span> </div>
Bombay (including Sind)	..	..	..	..	*8	

423. A comparison of these figures shows that there has been a reduction in three provinces. First Bombay has been assigned one seat less ; but the reduction is more apparent than real. As against the eight seats which the Bombay Presidency and Sind together enjoy at present, they have been allotted nine seats under the reformed constitution :—Bombay, seven, and the newly constituted province of Sind, two ; there has thus been an increase of one. Secondly, the Punjab has been deprived of one seat, and the reason for it is to be sought in the foot-note at page 97 of the White Paper, which says, “the previously existing Industry Constituency was not retained in the Communal Decision and the franchise for it is accordingly omitted”. Lastly, as regards the Central Provinces and Berar, the Indian Franchise Committee recommended the abolition of the seat reserved for mining, on the ground that there was no active mining interest in the province. The Act has accordingly reduced the number of seats from three to two.

#### *Method of representation.*

424. One question of paramount importance has, first to be considered. In the Report of the Southborough Committee, it is stated, “the method of representation through Associations has worked well in the past, and should be continued in the future”. The Indian Franchise Committee similarly recognises the importance of organised bodies and makes a recommendation to the same effect. The passage from their Report is

\* Where one seat in each province is at present filled by nomination.

and varied interests, can hardly be ignored. We have recommended below that they should be combined to form a single constituency, and the justification for this proposal lies in the fact, that, although in name they are two different bodies, they represent in actual fact almost identical interests, presenting no divergence and no conflict. Indications are not wanting that the effect of our recommendation may be to produce at no distant date a merger of these two associations.

In another province, Sind, the question of combining different associations arose, but the combination there proposed was of half a dozen or more unrelated bodies, with conflicting and dissimilar interests. The only course open to us in such circumstances, was to fix the qualification not with reference to the membership of a chamber, but on the basis of financial stability and standing, such as that indicated *e.g.*, by payment of income-tax.

In three provinces, Assam, the Central Provinces and Berar, and Orissa, owing to the absence of organised associations, we have not been able to recommend the membership of any chamber as an appropriate qualification.

Besides the cases to which we have referred, two further exceptions remain to be noticed. The first relates to our recommendation, in conformity with that made by the Indian Franchise Committee, to amalgamate for the purpose of returning representatives, the two European commercial bodies in Madras, *viz.*, the Madras Chamber of Commerce and the Madras Trades Association. The second exception is of a more important character, relating as it does, to the combination of four different bodies in the Punjab—a measure calculated to reconcile the conflicting claims of Indian and European commerce to the only seat available to the province.

*Basis recommended for commercial representation.*

426. To sum up, subject to the few exceptions mentioned above, we have throughout proceeded upon the footing, as already stated,

First, that the membership of an association should be deemed a more appropriate qualification,

Secondly, that out of a number of competing bodies, such alone should be selected as truly represent substantial commercial interests, and

Thirdly, that we should concentrate on a single authoritative body, wherever possible, and avoid in any event combining unrelated or dissimilar organisations.

on the mere ground that his business has in some years been either a losing concern or not yielded a sufficient profit.

In Bihar, the Central Province, Assam, and Orissa, we recommend the financial qualifications described in the Appendices to our Report.

*The income-tax qualification.*

430. The question arises as regards the income-tax qualification, how is the polling officer to ascertain that the voter satisfies the prescribed test? Neither the demand served upon him, nor the receipt granted to him, at present discloses the head or categories of income which have been assessed to the tax. It is therefore necessary, and we accordingly recommend, that a rule should be enacted, that the income-tax authorities if so desired by the assessee should indicate on a receipt granted to him the amount of income derived from trade, commerce, or industry, on which he has been assessed to income-tax.

431. In this connection we must point out that with the internal affairs of a chamber we have no concern, for they are matters which relate purely to domestic administration. Nothing that we recommend, therefore, impairs the integrity of any commercial body whatsoever, it being at perfect liberty to admit to its membership, such persons, whether scientists or politicians, as it chooses. We are concerned only with the formation of commercial electorates—such as will truly reflect organised commercial opinion, free from extraneous influence. We have, therefore provided that, while as regards admission of members, the discretion of a chamber remains uncontrolled or unfettered, for electoral purposes, such members only as fulfil the tests laid down shall be enfranchised.

*Affiliated Associations.*

432. There is yet another matter to which attention must be drawn. In provinces, such as Madras, where, out of a number of bodies clamouring for recognition, we have been constrained to pick out as most suitable, one particular association, the question arises what is to be the position of the excluded bodies? While a few of them already enjoy affiliation to the selected chamber, the interests of trade and commerce demand that no *bona fide* trade association should be refused admission. This we particularly mentioned, for instance, to the Southern India Chamber of Commerce, Madras, which under our recommendation is a commerce constituency. In compliance with our suggestion, this Chamber has undertaken so to alter its Memorandum of Association as to give every opportunity for the affiliation of other *bona fide* commercial organisations.

The affiliated associations *ex hypothesi*, are relatively less important bodies,—possibly, in some cases consisting of retail traders, as distinguished from those engaged in wholesale business; but a single affiliated body may so inflate its membership as to swamp the constituency. It is therefore essential that there should be adequate provision against the flooding of a constituency. In fact, the rules of the parent

*Our recommendation.*

435. In making our recommendation, we have steered clear of these two sets of difficulties. Under our proposal,

First, the names of the deputies shall be entered in the electoral roll as representatives entitled to vote. This ensures that the deputies' credentials are beyond question, as it may be presumed, that any challenge, if made, has been disallowed.

Secondly, we have provided that as many as three representatives may be nominated, any one of whom, but not more than one, may be entitled to vote. This mitigates the inconvenience referred to by the Indian Franchise Committee, connected with the "frequent changes in personnel of partners, directors or managers".

Thirdly, we have provided that in the case of a non-member representative, he should be a person authorised to sign the name of the company or the firm as the case may be, in its ordinary course of business. This would effectually shut out outside agents such as solicitors, who, armed with authority for the occasion only, may claim to represent the firm or the company.

*Miscellaneous.**(a) Registering and Returning Officers.*

436. A few minor points remain to be considered :

Where associations have been prescribed as constituencies, the question has been raised whether they should be permitted to conduct their own elections, or the Government should conduct them. We recommend that the Registering and Returning Officers should be Government servants. As the Bombay Government say in a note forwarded to us "if the Committee's suggestion to prescribe additional franchise qualifications with a view to restrict the electorate in these constituencies to certain classes of members is adopted, it appears desirable that the registering and Returning Officers should be Government servants, so as to ensure that the restrictions are duly enforced by the authorities responsible for the preparation of the rolls and the conduct of elections".

*(b) Method of voting.*

437. On the question whether voting should be in person or by postal ballot, we recommend that to suit the varying needs and conditions of the different provinces, a provision should be made in the Order in Council enabling the local Government or the Governor in his discretion to prescribe the necessary rules. This seems to be sound in principle and is in conformity with the view expressed to us by the Bombay Government.

*(c) The position of non-British subjects.*

438. As regards the competence of foreign subjects to vote or to hold a seat, in a commerce constituency, the rule prescribed by us, which is contained in the Appendix to this Chapter on page 177 is self-explanatory, and accords with the view which has been generally favoured before us.

Committee, its ultimate recommendation is opposed to its first and second proposals. The Committee consistently recommended the retention of the present two constituencies : *viz.*, (1) The Southern India Chamber of Commerce and (2) The Nattukkottai Nagarathar's Association, and supported its recommendations by cogent reasons.

*The questions for decision.*

443. Three questions arise for decision.

*First.*—Is it proper in an advanced province like Madras to adopt a qualification determined only with reference to the payment of income-tax or some other similar pecuniary criterion ?

*Second.*—Is the Government's proposal to combine the Andhra Chamber of Commerce with the two existing constituencies : *viz.*, the Southern India Chamber of Commerce and the Nattukkottai Nagarathar's Association, based on any sound reasons ?

*Third.*—Has a sufficient case been made out for depriving the last mentioned two bodies of the right of separate representation which they at present enjoy ?

444. As regards the first question, the advantages of the seat being filled by a member representing an organised body possessing a definite character, instead of by scattered units with widely differing and diverse interests, have already been set out. In this province, representation has hitherto been through associations, and it would be a distinctly retrograde step now to recommend a system, the disadvantages of which are obvious. That the Indian commercial community in the province is fully alive to the importance of organised bodies, is evident from the fact that, as many as twenty-two commercial associations have been mentioned in connection with the electorate in question. In our opinion therefore, membership of a recognised body is, in respect of this province, a necessary qualification.

*The Andhra Chamber of Commerce.*

445. The second question relates to the claim of the Andhra Chamber of Commerce to recognition. It is difficult to conceive why this body, out of the twenty odd associations in the province, has been singled out for preferential treatment. This Chamber came into existence recently, in or about 1928, and it is admitted that since the 1st of July 1931 it has ceased to function. There has been continual default in regard to the filing of the balance sheets, and even the account books of the association for the whole period up to the 31st of December 1934 are reported to be missing. In these circumstances it is impossible to accede to the Government's recommendation.

446. There remain the claims of the two bodies :—

- (1) The Southern India Chamber of Commerce, and
- (2) The Nattukkottai Nagarathar's Association.

Committee. In our opinion, therefore, the Nattukkottai Nagarathar's Association should continue to form a separate constituency for choosing a representative.

### BOMBAY.

449. Seven seats have been allotted to Commerce and Industry under the Government of India Act, in this province. In the present Legislative Council those interests, for the Presidency proper, are also represented by seven seats, which are thus assigned.

				No. of seats.
Bombay Chamber of Commerce	..	..	..	2
Bombay Trades Association	..	..	..	1
Bombay Mill Owners Association	..	..	..	1
Ahmedabad Mill Owners Association	..	..	..	1
Indian Merchants Chamber and Bureau	..	..	..	1
Cotton Trade (nominated) ..	..	..	..	1

Both the Government and the Provincial Committee propose that no change should be made in regard to the six seats which are filled by election and that the five associations named above should be retained as constituencies. The seventh seat has been allotted to the East India Cotton Association.

### *Proposals of the local Government.*

450. The following table sets out the allocation recommended by the local Government.

				No. of seats.
Bombay Chamber of Commerce	..	..	..	2
Bombay Trades Association	..	..	..	1
Bombay Mill Owners Association	..	..	..	1
Ahmedabad Mill Owners Association	..	..	..	1
Indian Merchants Chamber	..	..	..	1
East India Cotton Association	..	..	..	1

### *Our recommendation.*

451. First we must observe, that, the proposal to continue representation to the Bombay Trades Association has been the subject of some comment. This body, it is maintained, consists only of about thirty-nine members, of whom some are foreigners, and, on this ground, the demand is made on behalf of the Indian commercial community, that their representation should be strengthened by the Trades Association's seat being assigned to them.

## BENGAL.

## Present and proposed distribution.

453. Nineteen seats have been allotted to Bengal under the Act to represent Commerce and Industry. There are 15 seats at present, distributed as follows:—

			Number of Seats.
European	The Bengal Chamber of Commerce	.. ..	6
	The Indian Jute Mills Association	.. ..	2
	The Indian Tea Association ..	.. ..	1
	The Indian Mining Association	.. ..	1
	The Calcutta Trades Association	.. ..	1
Indian	The Bengal National Chamber of Commerce	.. ..	2
	The Bengal Marwari Association	.. ..	1
	The Bengal Mahajan Sabha ..	.. ..	1

The local Government and the Provincial Advisory Committee have recommended that the nineteen seats should be allotted thus:—

			Number of Seats.
European	The Bengal Chamber of Commerce	.. ..	7
	The Calcutta Trades Association	.. ..	2
	The Indian Jute Mills Association	.. ..	2
	The Indian Tea Association ..	.. ..	2
	The Indian Mining Association	.. ..	1
Indian	The Bengal National Chamber of Commerce	.. ..	2
	The Bengal Mahajan Sabha ..	.. ..	1
	The Marwari Association ..	.. ..	1
	The Muslim Chamber of Commerce ..	.. ..	1

## European Commerce.

454. This allocation gives fourteen seats to European Commerce and five to Indian, and is in accordance with the indication in the footnote annexed to the table of the Communal Award. A member of the Provincial Advisory Committee took exception to this arrangement and pointed out, *inter alia*, that it was inequitable to give no representation to the Indian Jute or Mining interests, while four seats are assigned to two European concerns, *viz.*—

(1) The Calcutta Trades Association, and

(2) The Indian Jute Mills Association,

which together have a membership only of about one hundred.

456. We have carefully considered this question in the light of this evidence tendered to us and of the discussions which we have had in Bengal, and as a result we accept the Government's recommendation in respect of the following constituencies :—

				Seats.
(1) The Bengal National Chamber of Commerce	..	..	..	2
(2) Marwari Association	..	..	..	1
(3) Muslim Chamber of Commerce	..	..	..	1

457. Of the various competing Indian bodies in addition to the four referred to in the second sub-paragraph of paragraph 453, the only chamber whose claim, as stated by the Government, requires to be carefully considered is the Indian Chamber of Commerce. Thus, with the allocation of the four seats already recommended, the remaining one seat is left between the two claimants. (1) The Bengal Mahajan Sabha and (2) The Indian Chamber of Commerce.

*The Indian Chamber of Commerce.*

458. The Government observe "there can be no question that the Indian Chamber of Commerce is a commercial body of weight and substance. It is well organised and its membership is strong". The point then to consider is, whether the Government was justified in ignoring the claim to representation of such an influential and representative body as this.

The Government says "the Indian Chamber, as has been demonstrated in the evidence given before the Advisory Committee, represents mainly non-Bengali firms". This criticism ignores the real criterion, for the test is, not whether the concerns the chamber represents are Bengali or non-Bengali, but, whether they have in actual fact, a real and substantial stake in Bengal. Out of the total of 238 members of this Chamber, only eighteen have their head offices outside the Province, and the remaining 220 within Bengal. Of the eighteen, three are banks with extensive business operations in Bengal. Similarly, the Scindia Steamship Company, another of the eighteen, has large interests in Bengal, their steamers plying from Calcutta to various places. Yet another concern is the Tata Iron and Steel Company, whose sales in Bengal are extensive, and whose sales manager and managing director have their head offices at Calcutta. Eleven of the eighteen again are insurance companies, whose business operations extend to Bengal. Not only do the remaining 220 concerns have, as already stated, their head offices in Bengal, but 90 per cent. of them have their business operations confined to the province—the capital of such concerns alone amounting to between 50 and 60 crores. Then again, the representative of the Chamber states that these 220 members are Bengali in outlook, having made the province their home for generations, and having identified

*Our recommendation.*

460. In the result, the Government's proposals are accepted, subject to the modification that the Indian Chamber of Commerce is substituted for the Mahajan Sabha.

## THE UNITED PROVINCES.

*Present and proposed distribution of seats.*

461. Three seats have been allotted in this province under the Act to represent Commerce and Industry. In the existing Council, these interests are represented by the same number of members, two seats being allocated to the Upper India Chamber of Commerce as representing European commercial interests, and the third to the United Provinces Chamber to represent Indian Commerce.

The local Government recommends the retention of the existing electorates.

*European Commerce.*

462. First, as regards the representation of European Commerce, the propriety of the Government's recommendation, which has been fully endorsed by the Provincial Advisory Conference, has not been questioned, and it is accordingly accepted.

*Indian Commerce.*

463. Turning to the representation of Indian Commerce, the seat has been claimed by two rival bodies:—

- (1) The United Provinces Chamber of Commerce, and
- (2) The Merchants' Chamber, United Provinces.

The discussion in the Provincial Conference disclosed a sharp line of cleavage. The question debated was, whether the existing constituency, *viz.*, the United Provinces Chamber, should alone be recognised, or whether, along with it, should be combined the rival Association, the Merchants' Chamber. The majority of the members of the Conference supported the claim of the United Provinces Chamber, though it must be noted, that its most prominent champion was its own president (a member of the Conference), a fact that somewhat detracts from the weight to be attached to the majority view. The Government, on the ground that the *status quo* should be maintained, has recommended its retention as the sole electorate. The Merchants' Chamber presented what the Government concede, is a 'reasoned memorandum,' claiming to represent a substantial amount of Indian capital. That its claim is well-founded admits of no question. In the memoranda submitted by the rival Association, gross charges were levelled impugning the status and the standing of the members of the Merchants' Chamber. But even a cursory examination showed that the attack was utterly unfounded; indeed the President of the United Provinces Chamber was constrained to admit, in the course of the elaborate enquiry before us, dealing with certain specific charges, that they were in point of fact, either extremely unfair or thoroughly baseless. That, even in the opinion of the Government, the Merchants' Chamber is an influential

have unhesitatingly, on the principle of the *status quo*, recommended its continuance as the sole electorate, leaving the Merchants' Chamber to amalgamate in course of time, with the United Provinces Chamber. But the latter has signally failed to establish its claim to preferential treatment. We therefore recommend that the two bodies, *viz.*, the United Provinces Chamber of Commerce, and the Merchants' Chamber, United Provinces, shall together form a joint electorate.

### THE PUNJAB.

#### *Present distribution.*

465. Under the Government of India Act, one seat has been allotted in this province to the representatives of "Commerce, Industry, Mining and Planting". In the existing Provincial Legislature the number of seats is two, distributed thus :—

I.	(1) The Punjab Chamber of Commerce	}	one seat (Commerce).
	(2) The Punjab Trades Association		

II. Punjab Industries . . . . . one seat (Industry)

The existing commerce constituency, as shown above, is composed of two organised commercial bodies, whereas the Industry constituency contains scattered units made up of registered joint stock companies and factories.

In the White Paper, it is stated in the footnote at page 97 "the previously existing industry constituency was not retained in the Communal Decision and the franchise for it is accordingly omitted". However, the fact remains that the seat now allotted is, under the express terms of the Act, as much an industry as a commerce seat.

#### *Proposals of the local Government.*

466. The Punjab Government originally proposed that the constituency for the one seat allotted under the Act should consist of,

- (a) 1. The Northern India Chamber of Commerce,
- 2. The Punjab Chamber of Commerce, and
- 3. The Punjab Trades Association, and
- (b) Joint Stock Companies registered in the Punjab and having a paid up capital of Rs. 1 lakh and over, to represent Industry.

The local Government, in the light of their discussion with us, modified their earlier proposal by omitting clause (b) altogether (thus preferring associations as electing agencies) and adding to the list of the bodies specified in clause (a), the Indian Chamber of Commerce, as a fourth body. The seat allotted to commerce and industry in the Punjab is, under the footnote to the Communal Award, to be filled by an Indian. To preserve this allocation, as well as in view of the importance of the Indian Chamber of Commerce, it is essential to combine it with the other three bodies for the purpose of forming a suitable electorate.

*Our recommendation.*

471. We are informed that in this province there is no commercial chamber, of standing, and therefore it is necessary that the electorate should be formed of all companies, firms and individuals possessing the requisite qualification.

Of the two seats we recommend that one should be assigned to the Central Provinces and one to Berar. The qualifications of electors will be those indicated in Appendix X to our Report.

## ASSAM.

472. Under the Act, eleven seats are assigned in this province to representatives of commerce and allied interests. In the existing Council the number allotted is six and the following is the arrangement of the constituencies.

					No. of seats.
Planting Assam Valley	..	..	..	..	3
Do. Surma Valley	..	..	..	..	2
Commerce and Industry (non-territorial)	..	..	..	..	1

In accordance with the allocation suggested in the table annexed to the foot-note to the Communal Award, the local Government has recommended the formation of such constituencies as would return eleven European and three Indian members. It must be mentioned that Assam is one of the three provinces where we have not recommended Associations as electing agencies, there being no such associations.

The eleven seats are distributed under the scheme formulated by the Government, between Planting on the one hand and Commerce and Industry on the other, thus :—

Planting	..	..	European	..	7	9
			Indian	..	2	
Commerce and Industry	..	..	European (including	..	1	2
			Mining).	..	1	

*Planting.*

473. The Government propose that there should be separate electorates for the European and Indian seats and we agree. The existing franchise is :—

Being the superintendent or manager of or an engineer or medical officer employed on a tea estate in the Assam or the Surma Valley as the case may be.

The Government recommend the retention of this franchise with the following qualification :—

No tea estate with less than 75 acres of tea under actual cultivation will be classed as an estate for electoral purposes.

We agree with the recommendation.

*European Commerce.*

479. The Karachi Chamber of Commerce, which at present returns a member to the Bombay Legislative Council, represents European Commercial interests. The foot-note to the table annexed to the Communal Award states that it is expected that initially one of these two seats will be filled by a European. The position that one European should be returned in one of the two seats, was strongly assailed by a co-opted member of the Sind Delimitation Committee, but we are not prepared to differ from the considered view, on this matter, of the Bombay Government and the Provincial Committee.

*Indian Commerce.*

480. As regards the representation of Indian Commerce, the Government's proposal differs vitally from that of the Provincial Committee. The Committee observe, that they see no reason why the representation of Commerce and Industry in Sind should be limited either to the single town of Karachi, or to the two Associations situated there specified by the Government. Later the Committee refers to—

- (1) the Sath Narain Piece-goods Association, which represents large commercial interests ; and
- (2) the Sind Work Merchants' Association representing important interests outside Karachi, the business operations of its members amounting to crores.

The Committee, therefore recommend that the Indian Commerce Constituency should include all registered Associations with approved rules, whether they be in Karachi, or in the other commercial centres, such as Hyderabad, Sukkur, and Shikarpur. A further qualification is insisted on, *viz.*, the payment of income-tax on an income of not less than Rs. 5,000 for any one year in any of the three years previous to the election, the income-tax paid by its employees, being taken into account for this purpose in the case of a firm.

*Our recommendation.*

481. The two Associations mentioned by the Government are not, in our opinion, fully representative of the Indian commercial interests in Sind. As the Committee rightly pointed out to us, it would be inequitable to ignore the very large and varied interests, which not only do not, but cannot, in view of the constitutions of those bodies, obtain representation through them. We endorse the Committee's view in this respect, but the wisdom of combining half a dozen or more bodies, "whose standing and status are different, whose constitution and qualifications for membership are not similar", is, as already pointed out, open to grave question. The advantage of using Associations as electing agencies, is, mainly, that they can send to the legislatures recognised spokesmen "with a mandate from an authority which remains competent to enforce it". The object which is intended to be achieved by recognising organised bodies as electorates is not furthered but frustrated, by a combination of the kind suggested, of a number of unrelated and varied bodies. We are therefore definitely of the opinion, that membership of a Chamber should not be insisted on.

We recommend that the qualifications of electors should be those set out in the Appendix to this Chapter.

Provided further that a person who is, or a firm or a joint family concern or an incorporated company or a corporation, which is, a member of two or more Associations or Chambers prescribed as Commerce constituencies in the same province, shall be qualified to be enrolled in the electoral roll of such one only of those constituencies as he or it may elect.

**II. QUALIFICATION OF CANDIDATES.**—No person shall be qualified to hold a seat in any Provincial Legislative Assembly to represent a Commerce constituency, unless his name is entered in the electoral roll of the constituency as an elector, or he is a representative entitled to vote on behalf of a firm, a Hindu joint family concern, an incorporated company, or a corporation, included in the electoral roll of the constituency.

Nothing in this rule shall preclude any one representative from standing for election and another of the representatives from exercising the right to vote.

**III.** A member of a Chamber or a representative of such member, who is not a British subject or a subject of an Indian State may vote in the Commerce constituency ; but no member, or representative of a member, who is not a British subject or the subject of an Indian State shall be eligible to hold a seat.

A subject of an Indian State whether it has acceded to the Federation or not, shall be entitled to vote in a Commerce constituency.

A subject of an Indian State which has acceded to the Federation and of any prescribed Indian State which has not so acceded [*vide* Schedule V, paragraph 1 (a) of the Government of India Act] shall be entitled to hold a seat in a Commerce constituency.

*B.*

**Where Associations have not been recommended for the election of representatives of Commerce.**

Save where the Appendices to this Report expressly provide otherwise, the qualifications of electors and candidates shall, *mutatis mutandis*, be the same as those prescribed above in the case of constituencies comprising Associations.

*Advantages of trade unions as the electorate.*

485. Our problem would have been simplified had more advantage been taken of the advice given in the report of the Royal Commission on Labour. Their report, and that of the Indian Franchise Committee, issued over three years ago; and the latter report suggested, as an encouragement to the development of trade unions, that any trade union which had been registered for six months previous to the first election under the new constitution might be recognised for the purpose of forming the whole or a part of the electorate.

486. We are in entire agreement with the view expressed in the report of the Royal Commission on Labour, and supported by the Indian Franchise Committee, (Report paragraph 244), that "if special representation is to be given to industrial labour, the method which, in our view, is most likely to be effective in securing the return to the legislatures of the best representatives of labour is that of election by registered trade unions. The working of this method should also exercise an important influence on the healthy development of trade unionism. Where only one seat was given, the trade unions might elect the member; where more than one seat was allotted to labour, the unions could either be grouped for the purpose in separate constituencies, possibly according to industries, or they could elect the members jointly. As regards the details, we recommend the setting up in each province of a special tribunal to determine before each election the weight which should be given to each registered trade union. The tribunal might consist of three members, unconnected with industry or labour, presided over by a high judicial officer. The Registrar of Trade Unions should not be a member, but should give the tribunal such assistance as they require. The grant of the vote should be limited to unions which have been registered for not less than one year, and it would be the duty of the tribunal after such investigation as was necessary in the case of each union to determine the actual paying membership and to allocate votes accordingly. We recognise that this method may not be everywhere applicable under present conditions, and, if it was found to be impracticable in any case, recourse would be necessary for a time to some other method. In Assam, for instance, where more effective representation of the plantation workers is required, different methods will be necessary".

*Difficulties in connection with trade unions.*

487. Now despite the impetus which should have been given to the organization of labour by this Report, and by the Report of the Indian Franchise Committee, we found that, very little success had followed the attempts made since to organize labour on trade union lines. Possibly this was due to various reasons in the different provinces. In Madras, for example, we were informed that the organizers of trade unions ran the risk of being victimised by the employers, and that this accounted in the main for the lack of interest in that province. In Bihar, at Jamshedpur, the Sheffield of India, the first labour organization was formed in 1921. It was reorganized in 1922 and during the big strike of 1928 it was

political aspect of those unions at the expense of other more benevolent activities. At present in India few trade unions exist which can be safely declared to be satisfactory or substantial. In some cases the organizations appeared to us to exist on paper only; in others the membership is negligible. In the Central Provinces, Bihar, and Madras some workers themselves (we give extracts from their evidence in Volume III of our Report) were emphatic in their denunciation of trade unions, and strongly opposed their enfranchisement. In these circumstances, we have found the delimitation of these constituencies a matter of some difficulty.

489. Taking the trade unions first, we fully realize the advantages of granting representation to labour through well-organized bodies, and our aim throughout has been to discover such trade unions as appeared to us to be stable and strong and to enfranchise them. In the first place, we thought that in this manner we could form constituencies which would not only represent all kinds of labour found in a province, but which would also be compact and manageable. Secondly, considering the illiteracy and the backwardness of the workers themselves, we were of opinion that the enfranchisement of trade unions would widen the field of candidature and would enable such persons to be returned as would be intelligent enough to voice the grievances of labour, if any. We are however, constrained to remark that in every province that we visited, with one or two exceptions, we were by no means favourably impressed by the conditions of management of these organizations. In some cases the mere prospect of securing a seat in the future legislative assemblies, and in the others the mere self-aggrandisement of the organiser himself, has been the sole incentive to the setting up of a skeleton union which, when carefully scrutinized, in no wise fulfilled the needs for which it had been formed, or served the real interests of those in whose name and for whose sake it had been brought into existence.

490. It was in these circumstances that certain provincial Governments, who had given the fullest consideration to the matter, and to whose opinion we were bound to attach great weight, expressed their reluctance to recognise as the basis of constituencies unions so flimsy as those which alone existed in their respective jurisdictions. In our discussions with them, we invariably found that their criticisms of these bodies were based on cogent grounds. We urged upon them, however, the desirability of encouraging trade union development so far as possible, and, wherever the material for such an experiment appeared to exist, we were as a rule successful in securing the concurrence of the local Government in the establishment of a trade union constituency based on whatever trade unions could be safely relied upon.

*Conditions to be satisfied by trade unions for inclusion in the electorate.*

491. We wish to make it clear that we have recommended special labour constituencies in those cases only in which the creation of trade union constituencies was impracticable and in which we found that

495. A thorough audit such as we suggest in paragraph 493, of the accounts of any trade union, over a period of two years, should disclose all the particulars necessary to enable the tribunal to decide whether such trade union should be recognised as part of an electorate. In course of time we have no doubt that the seats which we now suggest should be assigned to "unorganised" labour will be converted by the necessary Order in Council into trade union seats. In the present state of affairs, and with a view to keep out bogus institutions, we consider that only such unions should be recognised for inclusion in the electorate as fulfil the following requirements :—

- (i) the trade union should have been in existence for two years and have been registered for one year before the date fixed for the preparation of the electoral roll ;
- (ii) during the year preceding the preparation of the electoral roll, its membership should have not fallen below 250 ;
- (iii) the union must have complied with any rules under the Trade Unions Act providing for the inspection of books by the Registrar and for professional audit ;
- (iv) its fulfilment of the preceding conditions should have been attested by the tribunal to be appointed by the Governor.

*Method of election to trade union seats.*

496. As noted above, trade unions vary internally, not only in efficiency but also in size, from the North-Western Railway Union in the Punjab, with a membership of 40,000, to those small unions, 32 of which were started in a hurry in order to provide a hopeful organiser with a claim justifying a trip to Geneva. The question whether the election should be by direct or indirect voting is therefore important. In the case of railway unions, which are the largest, it should be possible to hold direct elections with the assistance of the railway authorities. In the case of these unions there is a difficulty that they extend over two or three provinces ; e.g., the Bengal Nagpur Railway Union has its headquarters in Bengal, with branches in Madras, Bihar and the Central Provinces. The East Indian Railway runs through four provinces. We are of opinion that the electoral registers must be confined to the province in which the union is registered, and that those members of the union who reside in other provinces should not be able to give their vote. We admit that this is unsatisfactory also as affecting the question of candidature. If the administration of the unions was placed on a more satisfactory basis as we have suggested above, we think it should be possible to allow the executive of the union or of a series of unions to select the member. But the time is not yet ripe for this.

*Qualifications of electors, and method of election, in labour constituencies other than a plantation labour constituency.*

497. We suggest that the qualifications for an elector in a labour constituency (other than a plantation labour constituency), with which we deal separately, should, so far as possible, be the same throughout India.

election, other considerations apart, has the great advantage of establishing contact between the constituent and his member in a way which is not practicable in the case of indirect election. Save in the case of certain constituencies in Bombay, and in Bengal, we have accordingly recommended direct election in the trade union constituencies. In all provinces in which there are special labour constituencies, we recommend that election should be direct.

*Qualifications of candidates.*

501. In provinces in which there are both trade union and special labour constituencies, a candidate should be required to have attained the age of 25 years ; to satisfy the other conditions laid down in the Fifth Schedule to the Government of India Act ; and to be an elector either in the constituency for which he stands or in any other labour constituency in the province.

502. In provinces in which there are no trade union seats, such as Orissa, a candidate should be required to have satisfied the same conditions as in those provinces in which there are both trade union and special labour constituencies. We recommend, however, in addition, that honorary members or officials of registered trade unions in such provinces who satisfy the requirements set out in paragraph 498 above, should also be eligible to stand as candidates in the special labour constituencies. In the case of the first election an honorary member or official as defined in the Trade Unions Act should be required to have been connected with a recognized trade union for a period of twelve months previous to the date fixed for the preparation of the electoral register, in order to ensure, if he is standing for a trade union constituency, that he is thoroughly conversant with the working of the union, and in any event that he has had sufficient time to become familiarized with the labour force. In subsequent elections it might be wise to extend this period to two years. We would fix the deposit to be required from candidates at Rs. 250 except in the case of those candidates who are genuine manual workers in which we would fix it at Rs. 50. We recognize that the qualification we suggest may in most cases have the effect of requiring honorary members or officials of trade unions to pay the higher rate. But our object is essentially to facilitate candidature by persons directly engaged in industrial labour, and with this object in view, the case for the differentiation in question is, in our view, a good one.

503. The arrangements which we propose will admit of trade union officials standing for a special labour seat. We are aware that some local governments consider that they should not be allowed so to stand, while in Volume III of our Report will be found representations from the Madura Labour Union and the Buckingham and Carnatic Mills Employees' Union in Madras showing that this proposal has its opponents also in the ranks of labour. Nevertheless, after hearing witnesses who appeared on behalf of trade unions, some of whose evidence will be found in Volume III of our Report, and having regard to the great difficulty that might be experienced in some provinces in obtaining an efficient representative from the ranks of unorganized labour, we consider that honorary members

province at the end of 1934 was 24,998, comprised in 32 unions. Of these 18 were in Madras City, with a total membership of 18,436, the Madras and Southern Mahratta Railway Employees' Union and the Madras Textile Mill Workers' Union respectively accounting for 11,982 and 2,875 out of this total. The average number of workers in registered factories in 1933 was 138,000 ; the approximate number of persons employed on plantation labour was over 100,000.

509. The question of the constituencies to be formed to fill the seats allotted to labour in the presidency of Madras has been the subject of very close investigation both by the Provincial Delimitation Committee and by the local Government. The main questions in issue have throughout been—

- (a) whether any, and if so how many, seats should be assigned to trade union constituencies, and the electorate in such constituencies ;
- (b) the electorate for the seats to be filled from special labour constituencies.

*(a) Trade union constituencies.*

510. The Labour sub-committee of the Provincial Committee, bearing in mind the terms of the reference made in paragraph 128 of the Joint Select Committee's Report to the nature of the constituencies to represent labour, originally, though with considerable diffidence, suggested that one seat should be allotted to trade unions. The Provincial Committee recommended that the number of trade union seats should be increased to two, and that the second should be allotted to textile trade unions in certain districts. The local Government, differing from their Committee, expressed the view, however, in publishing its recommendations in the press, that " trade unions should not be recognized as constituencies for the election of representatives of labour, partly for the reason that trade unions are not yet sufficiently established in the various industries in this country, and partly for the reason that a system of representation through trade unions is foreign to the political system from which the Indian constitution is derived ". They expressed the view that, even though trade unions were not given direct representation, the unions would nevertheless " bring their influence to bear on elections in labour constituencies, and that members of trade unions would come forward as candidates in those constituencies ". The Provincial Committee, after consideration of the representations received from the public, and of the views expressed by the local Government, accepted those views, and recorded that their previous recommendation in favour of allotting two seats to trade unions " was prompted largely by what it regarded as the almost mandatory terms of the Joint Parliamentary Committee's recommendation on the subject ", and that in their opinion, unless it was mandatory to create trade union constituencies, it was undesirable to allot any seat or seats to trade unions in view of the differences of opinion on the subject in the labour force itself, " the indifferent manner in which many of the unions are managed, and the comparatively small number of employees in organized industries who

The electorate in the first constituency will be some 23,000 ; in the second approximately 14,000 ; in the third 9,000 ; and in the fourth 5,000. We may add that, before formulating our conclusions, we discussed with the local Government whether it was possible to form a plantation labour constituency, and we agreed with them, in the light of their explanations, that this was not practicable. We have given careful consideration to the manageability of the constituencies which we propose, whether trade union or special labour. We are satisfied that they should be manageable. Election will in all cases be direct.

#### BOMBAY.

513. Seven seats have been set aside in this province for representatives of labour. There are 43 registered trade unions in Bombay with a membership of 89,000. There are in addition 16,000 workers in unregistered trade unions. The average number of workers in perennial factories in Bombay is some 322,000.

514. The question of the representation of labour is one of particular importance in Bombay, with its very large industrial population and the serious labour problems to which a large and concentrated industrial population inevitably from time to time gives rise. The Bombay Government have always taken a close interest in labour questions. They have for many years maintained a special Labour Bureau, and an organized system of compiling labour statistics, and they are in close touch with labour developments.

515. In contrast to Madras, opinion in the Presidency of Bombay, both public and official, has consistently been very strongly in favour of filling the seats allotted to labour exclusively from trade union constituencies. Not only have trade unions reached a relatively high degree of development in Bombay, but the local Government, whose view appears to have general support, are strongly of opinion that, in the conditions of the Presidency, special labour constituencies are not practicable. The main arguments advanced by them against special labour constituencies are, it may be added, firstly that if they were provided in addition to trade union constituencies (and admittedly there must be a certain number of trade union constituencies), they would add little to the number of labourers who would be enfranchised either in ordinary territorial constituencies or in trade union constituencies ; and secondly, that so large a proportion of the industrial workers in Bombay is employed in seasonal factories, for periods too short to enable them to satisfy the electoral requirement that they should have been continuously employed for the six months prior to the preparation of the electoral roll, that the system of special labour constituencies would be inappropriate.

516. As indicated above, we share the view of the Royal Commission on Indian Labour and of the Indian Franchise Committee that, where well organized and representative trade unions are in existence, they form the most satisfactory basis of representation for labour. While not entirely satisfied that the registered trade unions in the Bombay Presi-

representation through trade unions as the sole method of representation of labour and to offer them no alternative. There are cases where trade unions do not exist, or are too weak to be entrusted with the function of representation". After examination of the rival claims of the trade unions in Bombay, with a membership of 7,561, which would not be covered by any of the seats already referred to, we unhesitatingly reached the conclusion that the claims to labour representation of the Sholapur area were incontestable. We accordingly expressed the view to the Government of Bombay that the seventh labour seat should be assigned to a special constituency of unorganized textile labour in Sholapur City, and, after discussion with us, they have accepted our suggestion.

520. The following tabl shows th' constituencies which we recommend.

Serial No.	Title.	Membership.	No. of seats.
1	Textile labour unions in Ahmedabad	27,000	2
2	Bombay City and Suburban Textile labour Unions .. .. .. .. ..	3,835	1
3	Railway Unions in the Presidency of Bombay (excluding the Port Trust Railway) ..	21,484	2
4	Registered Trade Unions of seamen, dock workers, and Port Trust employees .. ..	28,060	1
5	Sholapur special labour constituency ..	15,000	1

*Method of election.*

521. Election will be direct in the first two constituencies and in the Sholapur special labour constituency. It will be indirect in constituencies Nos. 3 and 4. The local Government are strongly in favour of an electoral college of delegates selected by the trade unions forming the constituency, and they originally contemplated that the detailed arrangements for the election should be left to the trade unions concerned. In deference to our objections, they now agree that the Registering and Returning Officers in labour constituencies should be officers of Government. After discussion with them, though with some hesitation, we accept their proposal for the method of election. We may add that the local Government informed us that they saw strong objection to election by the executive of trade unions, and that they were in entire agreement with us as to the desirability of strengthening the provisions of the Trade Unions Act, so as to place Government in a position to obtain reliable information as to the strength, composition and financial stability of the unions to be included in a trade union electorate. They saw no strong objection to requiring that even on the occasion of the first election under the new constitution, a registered trade union should be required to have been in existence for not less than a year in order to qualify for inclusion in the electorate.

of water transport workers, with a membership of some 25,000. These two classes of union cover 65,000 out of 79,000 workers in registered unions in Bengal.

*Our recommendation.*

525. We gave special attention to the question whether a case did not exist for assigning a large number of seats to registered trade unions : but after discussion with the local Government and with witnesses who appeared before us, we are of opinion that the local Government's proposals are the right ones and we recommend them for acceptance.

*The special labour constituencies.*

526. The local Government recommend that the six remaining labour seats should be allotted to special labour constituencies, three of which should be assigned to factory workers in specified districts, one to colliery workers, one to registered factories in Calcutta and the Sadar sub-division of the 24-Parganas district, and one to plantation labour in the Jalpaiguri and the Darjeeling districts. We deal separately below with the seat assigned to plantation labour. In all other respects, we regard the proposals of the local Government, which appear to have general support in the province, as suitable, and we recommend them for adoption. A detailed statement of the constituencies will be found in Appendix V of Volume II of our Report.

527. The local Government propose to appoint officials as Registering and Returning officers in the labour constituencies, whether trade union or special labour. As regards the method of election, they strongly urge that in the case of trade unions, election should be by the executive, the weightage to be given to a union to depend on the number of its members, who satisfy certain requirements, and who have paid up their subscriptions, over a given period. We are not wholly satisfied that this is a satisfactory course. But in deference to the strongly expressed view of the local Government, we are prepared to accept it. Election, in the case of the special labour constituencies will be direct.

**THE UNITED PROVINCES.**

528. Three seats have been assigned to representatives of labour in the United Provinces. There were five registered trade unions in the United Provinces in the year ending 31st March 1934, with a total membership of some 8,000. In 1934, the average number of workers employed in registered factories was some 113,000.

*The trade union constituency.*

529. The local Government, whose views are generally accepted by the Provincial Committee, propose to allot one seat to registered trade unions, to comprise all the registered trade unions in the province, and two to special labour constituencies. Election in the trade union constituency would be direct, by an electorate consisting of those members of the union who have paid their subscription for a year previous to the

union constituency is the right one. As regards the electorate for the seat in question, we are of opinion that the right course is to assign the seat to the North Western Railway Union, subject to its complying with the requirements suggested in paragraph 495 above. We would, however, in accordance with the view expressed in paragraph 496 above, confine the electorate to members of the union who have a residence in the Punjab, and we would exclude members who are resident in other provinces. It will, we think be agreed that for a provincial seat such as is now under consideration, this is the only proper course. We felt some doubt as to whether we should not extend the constituency so as to include all registered trade unions in the province. But in the first place, we do not regard any of the trade unions in question as of such a standing, or of such stability, as to form a very suitable element in a labour electorate, and it is in any case inevitable that the trade union constituency, given the size and importance of the North Western Railway Union, should be dominated by that union.

*The special labour constituencies.*

534. The local Government are opposed to the enfranchisement of seasonal labour, and we accept their view that the administrative and other difficulties in enfranchising labour of this class are decisive. The constituencies which they originally proposed to us, with the concurrence of the Provincial Committee, covered in one case (East Punjab Labour Constituency) eighteen districts of the province, and contained an estimated electorate of some 22,000. The second constituency covered eleven districts and had an estimated electorate of some 20,000.

*Our recommendation.*

535. In our view the right course in dealing with the seats reserved for labour, as with the seats reserved for women, is to aim at devising compact and manageable constituencies on such a basis that a representative electorate will return a representative member to the provincial Assembly. Constituencies scattered in one case over eighteen districts, and in the other over eleven districts, each of these districts containing a number of scattered labour units of varying size, do not, in our view, conform to these principles, and we are unable to regard them as suitable. We accordingly examined the matter in close detail with the Punjab Government, who urged that the difficulties which we anticipated might be less substantial than at first sight appeared, since a candidate would probably be put up by a particular political party, which would pay his expenses and enable him to travel round the whole of his constituency. That may well be so. But it does not remove the objection we see to constituencies of the type now under consideration. It is extremely difficult in a scattered constituency, composed of small units, for the electorate to make its wishes and desires felt, and, unless at the cost of a large expenditure of time, energy and money, it is equally difficult for even the most enthusiastic member to remain continually in touch with the various currents of opinion among his constituents. In these circumstances, after discussion with the local Government, we recommend that the constituencies should be confined

union constituency, the local Government would agree to one such constituency, .... but it is not to be thought that they recommend this mode of election or give their cachet to this method of popularizing these bodies". The constituency which the local Government express their readiness in these circumstances to accept would be based on the trade unions in the Dhanbad sub-division referred to above.

539. We greatly regret that in the case of an important labour centre such as the Jamshedpur-Monghyr-Jamalpur area, there should be no trade union sufficiently representative, and with a sufficient prospect of permanence, to justify us in recommending its adoption as a basis of a constituency. While recognizing the local Government's strong preference for special labour constituencies, we are nevertheless of opinion that there is justification, given the size of the trade union electorate in Dhanbad, for allotting one trade union constituency to that area.

540. As mentioned above, one seat is allotted to Bihar labour in the Federal Assembly. The local Government, in agreement with their Provincial Committee, have suggested to us that this seat should be included in a rotating series with the three seats allotted to labour in the provincial Legislative Assembly, and that it should be assigned on the occasion of the first election to the representation of mining labour in the Manbhum area. We have indicated elsewhere the strong objections of principle which as a general rule we see to rotation. But in the light of our discussion with the local Government, we do not press those objections in the case of the Bihar labour seats, and we think that there would be advantage in an arrangement such as is proposed, which would have the beneficial effect of making separate representation available for labour in all the important industrial areas of the province. We accordingly recommend that the local Government's proposal be accepted. The precise arrangements contemplated for the rotation of these seats are set out in Appendix IX in volume II of our Report. Consequent on our acceptance of the proposed trade union constituency for the Dhanbad area, which will cover the mining labour in the Manbhum district, we propose that the trade union seat which we recommend for Bihar should be that to be allotted to the Federal Assembly on the occasion of the first election. Our specific recommendations for the four labour seats in Bihar are in these circumstances as follows:—

*Special labour constituencies.*

(1) Jamshedpur factory labour .. ..	1 seat
(2) Monghyr-Jamalpur factory labour .. ..	1 seat
(3) Hazaribagh mining labour .. ..	1 seat

*Trade union constituency.*

(4) Registered mining and colliery trade unions in the Dhanbad sub-division .. ..	1 seat
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The estimated number of voters in those constituencies is 23,000, 9,000 and 18,000 and 6,000 respectively. Election will be direct.

had recorded a vote in the same sense in favour of allotting one seat to trade unions. The local Government, with whom we discussed the matter at length, are still disposed to think that there would be advantage in their own original recommendation that the labour seats should be assigned to two special labour constituencies which would include both trade union and non-trade union labour. But they intimated to us, in the light of our discussion with them, that they would be prepared to accept an arrangement under which one seat was allotted to a compact constituency of registered trade unions, and the second to factory labour in selected districts. We regard this arrangement as suitable, and we recommend it for acceptance. The trade union constituency will be based on the Nagpur Municipality, and it is estimated that the electorate will contain some 4,000 voters. The factory labour constituency will be assigned to the Jubbulpore district, and will contain an electorate estimated at 5,500. The Registering and Returning Officers will be officers of Government, and election will be direct in both the constituencies.

#### ASSAM.

545. Four seats are assigned to Labour in the Assam Provincial Assembly. It has throughout been contemplated that they shall be allotted to the representation of plantation labour, and we deal with the qualifications of electors and of candidates in the section of this Chapter which is devoted to that question.

#### ORISSA.

546. One seat is assigned to labour in Orissa. In agreement with the Provincial Delimitation Committee and the local Government, we recommend that the electorate for it should be composed of the workers in all registered factories and mines throughout the province, election being by ordinary ballot, which would be carried on at the general election simultaneously with the territorial elections. There are no trade unions in Orissa which could be used as the basis of a constituency, and we are satisfied that the arrangement which we now recommend is that which best corresponds to the position and needs of the province.

#### SIND.

547. One seat is allotted to labour in Sind. There are eleven registered trade unions in the province. Eight of these are unions of menial workers, and three only have a membership in excess of 500. The Provincial Delimitation Committee and the local Administration have examined in some detail various methods of filling this seat. There is general agreement that trade unions in the province are insufficiently advanced to make them a possible basis, and we accept this view. In the light of discussion with the Provincial Committee and the local Government, and after consideration of the representations, both written and oral, addressed to us, we recommend that the constituency should be composed of workers in factories registered under the Indian Factories Act in the headquarters towns of the province together with the town of Shikarpur. In addition to workers in the factories in question, members of registered trade unions connected with factory, labour, and also

had recorded a vote in the same sense in favour of allotting one seat to trade unions. The local Government, with whom we discussed the matter at length, are still disposed to think that there would be advantage in their own original recommendation that the labour seats should be assigned to two special labour constituencies which would include both trade union and non-trade union labour. But they intimated to us, in the light of our discussion with them, that they would be prepared to accept an arrangement under which one seat was allotted to a compact constituency of registered trade unions, and the second to factory labour in selected districts. We regard this arrangement as suitable, and we recommend it for acceptance. The trade union constituency will be based on the Nagpur Municipality, and it is estimated that the electorate will contain some 4,000 voters. The factory labour constituency will be assigned to the Jubbulpore district, and will contain an electorate estimated at 5,500. The Registering and Returning Officers will be officers of Government, and election will be direct in both the constituencies.

#### ASSAM.

545. Four seats are assigned to Labour in the Assam Provincial Assembly. It has throughout been contemplated that they shall be allotted to the representation of plantation labour, and we deal with the qualifications of electors and of candidates in the section of this Chapter which is devoted to that question.

#### ORISSA.

546. One seat is assigned to labour in Orissa. In agreement with the Provincial Delimitation Committee and the local Government, we recommend that the electorate for it should be composed of the workers in all registered factories and mines throughout the province, election being by ordinary ballot, which would be carried on at the general election simultaneously with the territorial elections. There are no trade unions in Orissa which could be used as the basis of a constituency, and we are satisfied that the arrangement which we now recommend is that which best corresponds to the position and needs of the province.

#### SIND.

547. One seat is allotted to labour in Sind. There are eleven registered trade unions in the province. Eight of these are unions of menial workers, and three only have a membership in excess of 500. The Provincial Delimitation Committee and the local Administration have examined in some detail various methods of filling this seat. There is general agreement that trade unions in the province are insufficiently advanced to make them a possible basis, and we accept this view. In the light of discussion with the Provincial Committee and the local Government, and after consideration of the representations, both written and oral, addressed to us, we recommend that the constituency should be composed of workers in factories registered under the Indian Factories Act in the headquarters towns of the province together with the town of Shikarpur. In addition to workers in the factories in question, members of registered trade unions connected with factory, labour, and also

which are the fact that they are emigrants from a distant country, speaking many different languages, the universal illiteracy, the preponderance of aborigines and the comparative isolation of plantation life. Workers in such a position stand in special need of protection." Similarly the Bengal Government report—"There is no political consciousness among the tea garden workers. There has not at any period of the history of the tea industry in Bengal been even the remotest vestige of organisation among them. Indeed the feeling has been strongly expressed in some quarters, that it will be little short of a special calamity to draw what hitherto has been a peaceful and happy community into the vortex of political life. The constituencies must therefore be regarded as a political experiment, the outcome of which is by no means free from anxiety."

551. The tea garden labour force is composed of coolies, who are for the most part, especially in Assam (as distinct from the Surma Valley, or from the Dooars in the Jalpaiguri district in Bengal) imported from the aboriginal tribes in other parts of India. In the decade 1911—1921 no less than 769,000 coolies were so imported. Between 1921 and 1931 the number dropped to 422,000. It was ascertained at the census of 1931 that the birth places of the labourers on tea gardens in Assam were distributed as follows :—

Bihar and Orissa .. .. .. .. ..	472,000
Central Provinces and Berar .. .. .. .. ..	82,000
United Provinces .. .. .. .. ..	68,000
Madras .. .. .. .. ..	58,000
Central India Agency .. .. .. .. ..	15,000
 Total .. .. .. .. ..	 695,000

Much the same distribution would be found in the tea gardens in the plains portion of the Darjeeling district and Jalpaiguri in Bengal. With the latest amendment of the Tea Districts Emigrant Labour Act repatriation after the expiry of three years for the labourer and his family is automatic at the expense of his employer. If he wishes to re-engage, he has to sign a declaration of his willingness to do so before a magistrate. The custom of short term labour is also on the increase. Meanwhile, where land is available in the province, many families take up land and develop it from savings earned while in the employ of the tea garden. They also supplement their income by occasional work on the garden. It may be said, generally speaking, that the labour force in these gardens, including the Dooars in Bengal (though not in the Darjeeling district), is recruited from among those tribes for whom special tribal constituencies have been arranged in certain provinces.

552. The electorate, therefore, in Assam and in the district of Jalpaiguri in Bengal, consists of aborigines recruited chiefly from the provinces of Bihar and Orissa, most of whom are temporary residents for three years, and who return to their tribal homes. In the district of Darjeeling it is composed almost entirely of Nepalese, some temporary emigrants, others, families who have taken up land and settled in India. A fairly large number of these are also to be found in the Jalpaiguri district

industry lay the strongest emphasis on the necessity for restricting candidature, the latter confining it preferably to persons who belong to the aboriginal tribes. The representative of the tea industry in the Assam Legislative Council stated :—

“ In any case the tea industry has no objection to labour representation by responsible and reputable organised and registered trade unions. But what they do object to, and what they will oppose to the utmost of their power, is labour representation by irresponsible and seditious organisations and associations, formed and run by political aspirants for power, with no labour qualification, ostensibly for the benefit of labour, but actually for the purpose of causing labour troubles and for their own glorification.” They therefore, while preferring nomination by the Governor, urge that, if there is to be elective representation, it should be restricted to the labouring castes.

The activities of an emissary, a few years ago, who claimed to be accredited by representatives of labour in the Legislative Assembly to “ study labour conditions in Assam ” caused justifiable apprehension, not allayed by the discovery that this gentleman had previously been convicted in the Madras Presidency of malpractices in connection with recruitment for tea gardens.

*Solution of the problem proposed by the Assam Government.*

558. The Assam Government propose that a certain number of tea gardens should be selected in four different centres, three in the Assam Valley, one in the Surma Valley, where Government officers would hold a primary informal election in certain gardens within a radius of five miles, at which by show of hands one delegate would be elected as a *mukhiya* or mouthpiece to represent each 50 labourers. These delegates would in due course in each centre elect, by means of coloured boxes and formal voting, a member for the Legislative Assembly. Such seats would at the next election be transferred to another set of gardens, and the scheme contemplates three or four terms of rotation.

*Our criticisms of this proposal.*

559. It is obvious that, under this system, any education of the electorate must be slow, and unattended by any development of a sense of responsibility on the part of the members eventually elected. In its earlier stages at any rate it appears to us to justify the criticism made on it that in effect “ it transfers the power of nomination from the Governor to the planter ”. It has, however, the merits first, of providing that the elections, primary and secondary, are held by a Government official, and, secondly, of limiting the area, so as to obtain, as far as is at all possible, an informed verdict of local opinion. It might even in time create that political consciousness and cohesion which, as we have seen, are at present entirely lacking. But our two objections to the proposal are, first that the voting in a comparatively limited area is to be indirect, and secondly, that to limit candidature to a constituency of this size minimizes the chance of obtaining any really useful representative of the interests of the labour force generally.

by the labour force as a *sirkari*, or official, affair unconnected with, and independent of, the tea garden manager. Lastly, while we would confine the franchise to employees on a tea garden, we would widen the field of candidature by allowing a member of the tribes or castes from whom labour is recruited for the tea gardens, to be eligible to stand for election. We would not restrict such candidature to the constituency, but would allow any person (a) who belongs to a tribe which is recognised in any of the provinces of Bengal, Bihar, Orissa, or Assam as a regular source of recruitment for the tea gardens in Assam or Bengal, and (b) whose name is on the electoral roll of any constituency in these provinces, to be nominated as candidate. This would permit not only ex-tea garden coolies and their descendants, some of whom are now quite well educated, but other aborigines who, for one reason or another, have settled in Assam or Bengal, to stand as candidates. There are educated Santals in the Surma Valley. There are aborigines who are magistrates in Assam and in Bihar. In the latter province twenty-eight aborigines have obtained the B. A. degree at Patna University during the past ten years. The advantages of having a candidate who can address at any rate a portion of the electorate in their own mother language, is obvious. And we are assured that if candidature is restricted on those lines, no difficulty whatever would be put in their way by the management. They would be given free access to the lines, allowed to form (if they found it possible) trade unions, and encouraged to bring any specific and genuine grievance to the notice of the management. There may admittedly be at first the tendency for votes to be given on racial lines, but we believe this would not last. It is probably only the permanent labour force who would take any real interest in the elections, men who intended to reside in Assam and not claim repatriation. And in any event the various tribes have three common interests: first, a desire for improved conditions of employment, secondly, matters affecting the Excise policy of Government, and thirdly a dislike and distrust of the "*dikku*", or Indians not belonging to their tribes.

564. The qualifications for an elector should be on the lines of those proposed by the local Governments of Bengal and Assam, viz., being a worker belonging to one of the tribes specified above, who has been a permanent employee in one or more tea gardens in the constituency for not less than 180 days during the year immediately preceding the date of draft publication of the roll.

565. It is not possible to define "manual worker" with any accuracy. We would include all forms of labour, clerical or supervisory, provided that the racial condition was fulfilled. There are employed as *bahidars* (time-keepers), as *sardar* or head of gang, or as doctors, school-masters, or clerks and in other capacities, educated men, coming from the same class and race as the labour force, whose outlook would be in harmony with the cooly, and who would be fully competent to represent his interests in the legislature. This inclusion, contrary to the advice given by some members of the Indian Franchise Committee (paras. 251 and 252) of the clerical and supervisory staff, together with foremen, *sardars*, *bahidars* and other persons of similar standing, needs explanation.

*The Bengal plantation labour seat*

568. The plantation labour seat in Bengal must necessarily be given alternatively to the districts of Jalpaiguri and Darjeeling. The composition of the labour force (paragraphs 551-552 *supra*) differs completely in the two districts. We were in some doubt as to whether Darjeeling, being a partially excluded tract was in real need of a seat. Its inclusion is an additional complication in an already complicated matter. We are assured, however, that the Nepalis resident in Darjeeling district, form a community which includes many persons of some education and public spirit in close touch with the needs and conditions of life of the tea garden labourer. They would, it is stated, be bitterly disappointed if they were deprived of this periodical, even if intermittent, chance of representation. Nor would the Darjeeling planters themselves desire that their labour force should be deprived of the opportunity.

569. In the Appendices in Volume II of our Report we give a detailed statement showing the delimitation of the tea garden labour constituencies in Assam and Bengal, with proposals for rotation. We also give a list of the tribes from which tea garden labour is recruited.

recommend for acceptance. The number of voters in the constituency is estimated at 8,533.

#### BOMBAY.

575. The local Government, in agreement with the Provincial Delimitation Committee, recommend that one of the two seats allotted to the community should be assigned to Bombay City and the Bombay suburban district, which between them have an Anglo-Indian population of about 8,700, and the other seat to the remainder of the Presidency which has an Anglo-Indian population of about 5,500. In the case of the Bombay City constituency, they recommend that voting should be direct. In the case of the Presidency constituency, owing to the fact that the electorate will be scattered in small numbers over a large number of places, they suggest that the simplest course would be that the Returning Officer should send voting papers to the Collector of each district in which Anglo-Indian voters reside, and that the Collector should hold the election at the district headquarters, distributing to each taluka headquarter a sufficient number of ballot papers for the voters residing in that taluka. Voting would take place between fixed hours at the Collector's office and at the Mamlatdar's office, and the ballot papers filled in by the voters would be attested by the Collector, or the Mamlatdar, who would, after the conclusion of the election, send the voting papers by registered post to the Returning Officer in Bombay. The detailed arrangements for voting are essentially a matter for the local Government, and we confine ourselves to remarking that the arrangements which they propose appear generally suitable. We likewise accept the constituencies which they recommend. The number of voters in the Bombay City constituency is estimated at 1,276 and the number in the Presidency constituency at 786.

#### BENGAL.

576. The Anglo-Indian population of Bengal is 27,573. Of the four seats allotted to the community, one is reserved for women. The Provincial Delimitation Committee recommended that there should be one constituency for the whole of Bengal, in which one seat should be reserved for women in accordance with the provisions of the Act. They recommended further that voting should be by postal ballot, and that each elector should have four votes of which not more than three should be cast for male candidates. The recommendations in regard to the seats were based on the views of representative Anglo-Indians, and they have provoked no criticism in Bengal. In these circumstances the local Government recommend them for acceptance. As regards the method of election, the local Government are of opinion, however, that it would be preferable that the ballot box should be used in areas in which the Anglo-Indian electorate is sufficiently compact, and postal voting in other areas. The distributive system of voting will be employed. We accept the views of the local Government on all points.

#### THE UNITED PROVINCES.

577. The total number of Anglo-Indians in the United Provinces is 11,263. As one seat only has been reserved for the community the whole

## CHAPTER XII.—EUROPEAN SEATS.

581. Twenty-six seats in all are reserved for Europeans in the provincial Legislative Assemblies. These are distributed as follows :—

Madras ..	..	..	..	..	..	..	..	3
Bombay ..	..	..	..	..	..	..	..	3
Bengal ..	..	..	..	..	..	..	..	11
United Provinces ..	..	..	..	..	..	..	..	2
Punjab ..	..	..	..	..	..	..	..	1
Bihar ..	..	..	..	..	..	..	..	2
Central Provinces and Berar ..	..	..	..	..	..	..	..	1
Assam ..	..	..	..	..	..	..	..	1
Sind ..	..	..	..	..	..	..	..	2

*Provisions of the Government of India Act.*

582. Under the provisions of the Government of India Act, they will be filled in territorial constituencies which may cover the whole area of the province. For the purpose of these constituencies, the province may be formed into a single constituency, or the whole area subdivided as may be prescribed. In the latter event, the total number of seats available will be distributed between constituencies by the assignment of one or more seats to each constituency. A candidate for a European seat in the Legislative Assembly of a province is required, under paragraph 12 (a) of Schedule V of the Government of India Act, to possess such qualifications as may be prescribed.

*Qualifications of electors and candidates.*

583. To be eligible to vote in a European constituency, a person must, under the provisions of the Government of India Act, be a European and possess in addition the qualifications requisite under the Sixth Schedule to the Government of India Act. We recommend that a candidate should be required to be an elector in the constituency who possesses the qualifications requisite under the Fifth Schedule to the Act.

*Provincial proposals.*

584. The proposals of the different provinces, and our recommendations on them, are as follows :—

**MADRAS.**

585. The European population of Madras is 12,341. The local branch of the European Association have recommended that the whole Presidency should constitute a single constituency to return the three European members of the Assembly. They further suggest that the distributive vote should be employed, and that voting should be by post. These recommendations are accepted by the Provincial Delimitation Committee and by the local Government, and we recommend them for approval. The estimated number of voters in the constituency is 4,179.

**BOMBAY.**

586. The total number of Europeans in the Presidency is 18,000. Of these about 10,000 are in Bombay City and the Bombay suburban district. The balance of 8,000 are scattered over the rest of the Presidency. The local Government, in agreement with their Provincial Delimitation Com-

## THE UNITED PROVINCES.

588. The total European population of the United Provinces is 22,043. The United Provinces European Association have expressed the desire that the two seats allotted to Europeans should be allotted to a two-member constituency covering the whole province, and that election should be by means of postal ballot. The local Government accept their recommendation which we regard as suitable. The estimated number of voters in the constituency is 4,595.

## THE PUNJAB.

589. The European population of the province is 19,106. The local Government recommend that the single constituency allotted to Europeans should cover the whole province. We accept their recommendation. Voting will be direct. The electorate is estimated at approximately 2,000.

## BIHAR.

590. The European population of the province is 5,390. The local Government recommend that one of the two European seats should be allotted to the Patna-Tirhut-Bhagalpur division, and the second to the Chota Nagpur division. The estimated number of European voters in the first constituency is 1,500, and in the second 1,200. We accept the recommendations of the local Government, which have, we understand, the support of the European community. Voting will be by postal ballot.

## THE CENTRAL PROVINCES.

591. There are 5,075 Europeans in the Central Provinces. The local Government recommend that the single seat allotted to them should cover the whole province, and that voting should be by postal ballot. The estimated number of voters in the constituency is about 1,000. We accept their recommendations.

## ASSAM.

592. The estimated European population of the province is 3,000, and it is proposed that the whole of the British Indian portion of the province, omitting the totally excluded areas, should form the constituency. The estimated number of voters is 2,500, and the local Government suggest that voting should be by post. We regard their recommendations as suitable, and accept them.

## SIND.

593. The European population of Sind is 6,576. The local Government suggest that of the two seats allotted to Europeans, one should be assigned to Municipal Ward No. 7 of the city of Karachi, with the cantonment of Karachi, and the other to the remainder of the province of Sind. The number of voters in the first constituency is estimated at 723, and in the second at 496. We accept their recommendations. Voting will be by post.

an Indian Christian population of 92,270, should get one seat, and Poona and Ahmednagar districts (population 47,369) another. As regards the third, the districts of Kaira and Ahmedabad were first suggested. The Government's final proposals were:—

Bombay City .. .. ..	..	One seat.
Thana and Bombay suburban districts ..	..	One seat.
Poona and Ahmednagar districts .. ..	..	One seat.

The witnesses before us agreed that a better constituency for the third seat would be the municipal boroughs of Ahmednagar, Poona, Sholapur and Nasik. The local Government, whom we consulted, have no objection to the proposal, but are unable to say whether it is likely that a constituency thus formed would, in fact, return a Protestant candidate. In the other two, Roman Catholics are in a majority. They are informed that the Indian Christian population of the Poona and Ahmednagar districts is predominantly Protestant, but have no figures for the four towns separately. It is of course quite impossible for this Committee to ascertain, in the time at our disposal, whether this urban constituency would or would not return a Protestant candidate. It was represented to us that the task of canvassing two large districts would be very difficult and expensive, but, since we must rely on the definite opinion given by the local Government, rather than on that of the witnesses, we accept the districts of Poona and Ahmednagar, rather than the four towns, as the third constituency.

#### BENGAL.

596. The Indian Christian population is 129,134. The Indian Christian Association of Bengal suggested that the two seats should be allotted to Calcutta and the Bakarganj district. The Provincial Committee considered, that, as the Indian Christian population covered by these constituencies was only 23,049 out of a total of 129,134, too many Indian Christians would be excluded from the special constituency.

They advised taking as the two constituencies:—

- (i) Calcutta with the Presidency division—population 45,099
- (ii) The Dacca Division—population .. .. 40,419

This would include 66.2% of the Indian Christian population. This we consider to be the best method of representation that can be determined. The constituencies are very large in size, but since the Christians are fairly well organized in different groups, they should not prove unmanageable. There are in the present Legislative Council divisional seats with larger electorates.

#### THE UNITED PROVINCES.

597. The Indian Christian population is 170,216. Two seats have been allotted to the Indian Christians in the United Provinces, and in consultation with the United Provinces branch of the Indian Christian

included in one or other of these constituencies, and eventually they recommended the selection of the following districts :—

I	II
Lahore	Gujranwala
Amritsar	Sheikhupura
Gurdaspur	Shahpur
Sialkot	Montgomery
Population—174,541	Lyallpur
Voting strength—4,749	Multan
	Population—181,238
	Voting strength—6,542

This would enfranchise 355,799 out of a total population of 392,144.

There were many suggestions for redistribution, and we were asked to include, if possible, the districts of Ferozepur and Rawalpindi. We think, however, after examining various schemes of redistribution, that the two constituencies suggested by the local Government are the best, and we recommend them for adoption.

#### BIHAR.

601. The total population of the Indian Christians is 331,185 to which one seat has been allotted. This population is distributed as follows :—

Roman Catholics ..	..	..	..	163,403
Other sects ..	..	..	..	145,248
Unclassified ..	..	..	..	32,534

Bihar under paragraph 5 of the Fifth Schedule is an exception to the general rule that a province shall, for the purpose of election to the Indian Christian seats, be divided into territorial constituencies. In this province, and it appears to us to be an excellent arrangement, the Roman Catholic *Sabha* and the Bihar and Orissa Christian Council will each appoint a panel of delegates, one for each 5,000 of their population. These delegates will elect the representative, not only for the Legislative Assembly, but also for the Federal Assembly.

602. It is suggested that the Order in Council should specify that each college of primary electors should elect 40 delegates for the Roman Catholic and a similar number for the Christian Council. We understand that an agreement has been reached by which these two bodies of delegates will, in practice, each elect a representative to the Legislative Assembly and the Federal Assembly alternatively.

These proposals we recommend for adoption. They have two advantages—first, they avoid any cleavage on political lines between the Roman Catholics and the Protestants and, secondly, since the large majority of Indian Christians belong to backward tribes, these persons will still be able to cast their vote in the reserved seats allotted to backward tribes in the general constituencies.

## CHAPTER XIV.—SEATS RESERVED FOR BACKWARD AREAS AND BACKWARD TRIBES.

*Distribution of seats between provinces.*

606. The seats in the provincial Legislative Assemblies set aside for the representatives of backward areas and backward tribes under the provisions of the Fifth Schedule to the Government of India Act are as follows:—

Madras	..	..	..	..	..	..	1
Bombay	..	..	..	..	..	..	1
Bihar	..	..	..	..	..	..	7
Central Provinces and Berar							1
Assam	..	..	..	..	..	..	9
Orissa	..	..	..	..	..	..	5

*Provisions of the Government of India Act.*

607. Under the provisions of the Act, the qualifications of electors and candidates are such as may be prescribed, while Schedule V, paragraph 10, of the Act provides that in a province in which any seats are to be filled by representatives of backward areas or backward tribes, some or all of those seats may, if it is so prescribed, be treated in the prescribed manner as additional general seats to be reserved for representatives of such areas or tribes.

## METHOD OF FILLING THE SEATS ALLOTTED TO BACKWARD AREAS AND BACKWARD TRIBES.

*Proposals of the local Governments.*

608. The Government of Madras, the Government of the Central Provinces and in the case of certain of the seats reserved for Orissa, the Government of Bihar and Orissa are strongly in favour of filling these seats by nomination. Bombay and Bihar recommend that the seats allotted to backward tribes should be treated as additional seats reserved for those tribes in multi-member constituencies, election being direct. Assam equally contemplate direct election for the seats set aside for backward areas in that province.

## MADRAS.

609. We can see no sufficient justification for resorting to nomination in the case of Madras. The constituency proposed by the local Government contains approximately 12,000 members of the backward tribes who possess the franchise qualifications which would entitle them to vote for a seat in the provincial legislature under the provisions of the Government of India Act. Though it is alleged that difficulty is anticipated in finding candidates who are members of the tribe, we feel that this is one which it should not be impossible to overcome and we are clearly of opinion that in these circumstances election should be direct.

of their excitable and backward condition, serious dangers of disturbance are to be apprehended, owing to the exacerbation of feelings between the supporters of rival candidates, if a system of direct election is introduced. In the light of our discussions with the local Governments concerned, and with officers with an intimate first hand knowledge of the areas in question, we accept the view of the Government of Bihar and Orissa, and we recommend that four of the five seats to be allotted to Orissa should be filled by nomination by the Governor acting in his discretion. The fifth seat will be reserved in a multi-member constituency in the district of Sambalpur, in which no difficulty arises about a system of direct election, in the same way as the backward tribal seats proposed for Bombay and Bihar which are discussed in the following paragraph.

#### BOMBAY AND BIHAR.

613. In Bombay and in Bihar, the local Governments recommend that the backward area seats should be reserved in multi-member general constituencies under the provisions of Schedule V, paragraph 10, of the Government of India Act. We discussed in some detail with both local Governments the suitability of an arrangement of this nature. But in both cases it appears that the degree of development of the backward tribes is such that there need be no fear that its adoption will be inimical to their interests, and in Bihar in particular we are informed (and this statement was corroborated by members of the backward tribes who appeared before us) that the representatives of the tribes, and those individuals who have most closely concerned themselves with them in the past, agree that this course (coupled with a proviso that the persons to fill the backward area seats must themselves be members of the backward tribes) was likely to give the most satisfactory results. In the circumstances, we accept the proposals of the local Governments concerned.

614. The Bombay Provincial Committee recommended the location of the backward tribal seat in West Khandesh, on the ground that this district had the largest population of aboriginal and hill tribes in the Presidency, with a tribal population of over 281,000, Surat coming next with 2,68,000. The proposals submitted to us by the local Government, however, allot the backward tribes seat to West Khandesh West general constituency with an area of 3,782 square miles, the effect of which would be to exclude the tribal population of West Khandesh East general and so substantially to weaken the case for allocating the backward tribal seat in this constituency. We suggested to the local Government in these circumstances that Surat, with a tribal population of 268,000 and an area of only 1,647 square miles, would be a more suitable constituency for the backward tribes. But they are strongly of opinion that their original proposal is preferable; and they urge in support of it that there is no doubt that the backward tribes of the West Khandesh West constituency are more primitive in their mode of life and characteristics, and therefore more typically representative of their class than those of the Surat district; and that having regard to the backward

## PART II.

## CHAPTER XV.—PROVINCIAL LEGISLATIVE COUNCILS.

*Provincial proposals for the delimitation of constituencies.*

621. The seats allotted to the provincial Legislative Councils in the different provinces, and their distribution, are shown in the table which follows:—

Province.	Total of seats.	General seats.	Muhammadan seats.	European seats.	Indian Christian seats.	Seats to be filled by Legislative Assembly.	Seats to be filled by Governor.
1	2	3	4	5	6	7	8
Madras	..	{ Not less than 54 Not more than 56 }	{ 35 }	7	1	3	{ Not less than 8. Not more than 10.
Bombay	..	{ Not less than 29 Not more than 30 }	{ 20 }	5	1	..	{ Not less than 3. Not more than 4.
Bengal	..	{ Not less than 63 Not more than 65 }	{ 10 }	17	3	..	{ Not less than 6. Not more than 8.
United Provinces.	..	{ Not less than 58 Not more than 60 }	{ 34 }	17	1	..	{ Not less than 6. Not more than 8.
Bihar	..	{ Not less than 29 Not more than 30 }	{ 9 }	4	1	..	{ Not less than 3. Not more than 4.
Assam	..	{ Not less than 21 Not more than 22 }	{ 10 }	6	2	..	{ Not less than 3. Not more than 4.

622. We are not concerned with the seats to be filled by the Governor acting in his discretion, or with the seats to be filled in Bengal and Bihar by the members of the Legislative Assembly in those provinces. The recommendations which follow have reference solely to the general, Muhammadan, European and Indian-Christian seats to be filled by direct election.

623. Under the provisions of Schedule V, paragraph 15, of the Government of India Act, all the constituencies in question will be territorial constituencies, and a province may either, if it is so prescribed as regards any class of constituency, be formed into a single territorial constituency, or it may be divided into such number of territorial constituencies as is considered necessary.

which is well balanced, which takes full account of the legitimate claims and wishes of the various interests affected, and which has the general support of representative public opinion in the province concerned.

*(a) Basis of delimitation.*

627. The main question for decision is whether the appropriate basis for the delimitation of constituencies in a body such as a provincial Legislative Council should be population, or voting strength, or a combination of these two factors: and whether, in the event of a combination of the two being regarded as the more suitable solution, emphasis should be laid rather on voting strength than on population. Considerations such as area, the difficulty of communications and the like, are of less importance in the case of provincial Legislative Councils than in the case of provincial Legislative Assemblies. The same is to a large extent true of considerations of population. The provincial Legislative Councils will be small in size. They will be elected by an electorate which is relatively very small indeed, and which is composed of individuals who possess high property qualifications, or who have rendered distinguished public service, and which will be of such a nature that methods of polling which would be impracticable in the case of a provincial Assembly will admit of examination, and that certain specific difficulties which confronted us in dealing with the delimitation of provincial Assemblies will not arise.

628. We are ourselves disposed to the view that, having regard to the character of the electorate and to the position of provincial Legislative Councils in the constitutional scheme, the most important factor in the delimitation of constituencies should probably be voting strength. But we are equally of opinion that some weight must be attached to population, in the interests of securing that the distribution of seats in the provincial Councils bears some relation to the distribution of population in the province concerned. We are of opinion in these circumstances that the broad basis of delimitation should be voting strength coupled with population. In specific instances we recognise that it may however be necessary to depart from this standard, in the interests of securing representation for a section of a province which, whether on population or on voting strength, would be unlikely to secure that degree of representation to which its linguistic or its geographical position, or its past history, legitimately entitles it.

*Proposals of local Governments.*

629. The proposals of the individual provinces, generally speaking, conform to the standard which we suggest. In Madras the local Government, who were originally disposed to consider that population would be a safer guide, have deferred to the strongly expressed view of their Provincial Committee that distribution should be based on voting strength, subject, in the case of the general seats, to the allocation of a minimum of one seat to each district, except the Nilgiris. Bombay, where the Provincial Committee were originally disposed to favour voting strength alone, finally adopt the criterion of voting strength and population, on the ground that "in view of the wide divergence between the population and the voting

elected seats to Madras City, and to six groups of towns with a population of not less than 50,000. In deference to the strongly expressed and reiterated view of the Provincial Committee, which appears to have a substantial degree of support from public opinion, and after discussion with them, they ultimately decided, however, to accept the view of the Committee that urban representation should be confined to the district of Madras City, to which however two urban general seats should be allotted. Bombay, in agreement with their Provincial Committee and public opinion, allot four general seats out of twenty, and two Muhammadan seats out of five, to urban areas. Bengal assign three seats out of 27 general and Muhammadan seats to urban constituencies. The United Provinces assign ten out of 51—a figure which will, in their opinion, do justice to urban and rural interests alike. The matter is of no importance in Bihar and Assam, neither of which has an urban population of any size, and neither of which accordingly allots any seats to urban areas.

*Our recommendation.*

633. As will be seen from the preceding examination of the views of local Governments, the provinces in their proposals have primarily in view their own local conditions, and it is impossible to derive any common principle from their recommendations. But in every case in which there is a substantial urban population in a province, specific provision has been made on a more or less generous scale for urban interests. In Madras, which forms an exception to this rule, to the extent that the urban representation proposed is exceedingly small, having regard to the size and importance of urban interests in the province, we are satisfied that the proposal of the Provincial Committee, as accepted by the local Government, has the general support of public opinion behind it. After a detailed examination of the proposals of the various provinces, we are prepared to accept generally both the basis of urban representation which they propose and the degree of urban representation recommended by them.

*(c) Question whether constituencies shall be single-member or multi-member.*

634. As in the case of the provincial Assemblies, there is a marked difference of view between the different provinces on the question whether constituencies shall be single or multi-member. Bengal, the United Provinces, Bihar, and Assam are in favour of single-member constituencies. Bombay propose single-member constituencies for the Muhammadan seats, but plural-member with the cumulative system of voting for the general seats. Madras favours a combination of multi-member and single-member. The real advantage of a system of multi-member constituencies is the protection which it gives to minorities. That protection is less necessary in a body of the character and composition of the provincial Legislative Councils, and we would ourselves have seen no strong objection in these circumstances to the employment of single-member constituencies everywhere. In view, however, of the very strongly expressed desire of Bombay for multi-member general constituencies and of the support lent by the local Government and the Provincial Committee in Madras to the creation of a certain number of

no difficulty should arise in the employment of this system with an electorate of a standing so high as that contemplated for the provincial Legislative Council.

639. Under the local Government's proposals, the 35 general seats will be distributed on the basis of one seat per district save in the case of the district of the Nilgiris, which will be combined with Coimbatore. The balance of eleven seats will be distributed between the eight districts which have the largest voting strength. The seven Muhammadan constituencies will be distributed to groups of districts on a consideration of their voting strength. Of the proposed general and Muhammadan constituencies, ten will be multi-member. It is proposed, with the concurrence of the representatives of the Indian Christian communities, to form the three seats allotted to the Indian Christians into a three-member constituency covering the whole Presidency, the voters being too few in number (339 in all), and too scattered, to make the creation of three separate single-member territorial constituencies practicable. The single seat allotted to Europeans will cover the whole area of the Presidency. The number of voters is estimated at 1,064.

#### BOMBAY.

640. As will be seen from the table in paragraph 621 above, there are 26 elective seats. The basis of distribution recommended by the local Government and their Provincial Committee is population and voting strength, and it is proposed on this basis to allot four urban general and two Muhammadan seats to Bombay City. The remaining sixteen general seats will be allotted to eight rural constituencies formed out of the sixteen districts of the Presidency, the grouping of contiguous districts being made without regard to the revenue divisions. An arrangement on these lines will, in the view of the local Government, simplify the preparation and maintenance of the electoral rolls and the holding of elections, more particularly having regard to the fact that since the electoral qualifications for the Provincial Legislative Council and the Council of State are the same, the same basis can be adopted for the somewhat smaller number of seats allotted to Bombay in the Council of State. The number of voters in the general constituencies is provisionally estimated at 10,311. The local Government propose to allot the three Muhammadan seats which will remain available for distribution after two seats have been assigned to Bombay City to the three divisions of the Presidency. The total number of voters for the five Muhammadan seats is estimated at 1,235. The single European seat will cover the whole area of the Presidency, and the number of voters is estimated at 1,093. Voting for it will be by postal ballot. We regard the proposals of the local Government as generally suitable, and we are satisfied that they appear to have the support of public opinion in the province.

#### BENGAL

641. The proposals of the local Government have been framed in complete agreement with the Provincial Delimitation Committee, and they appear to have provoked no public criticism. They

Conference, and so far as we can judge, has also been accepted by the public. But the majority of the Muhammadan members of the Conference were in favour of reducing the number of Muhammadan urban seats from five to four. The local Government, however, are strongly of opinion that their own proposal is the right one, and that, as in the case of the provincial Assembly, the number of Muhammadan and general urban seats should be the same. They add that the regrouping of the cities which would be necessary if the Muhammadan urban electorate were to be formed into four constituencies, would reduce the representation to be given to Oudh, and that the eastern cities of Benares, Mirzapur and Gorakhpur, by being grouped with Fyzabad and Allahabad, might also secure an insufficient representation. We have carefully considered this question in the light of the views expressed by the local Government, and in view of their very strong recommendation, we accept their proposal that the number of Muhammadan urban seats should be fixed at five, and that the constituencies should be framed on the basis proposed by them. In all other respects we regard their proposals which, as stated above, have the support of the Provincial Advisory Conference, and of public opinion, as suitable.

#### BIHAR.

645 The local Government recommend that the one European seat should cover the whole area of the province, and that voting for it should be by post. The nine general and the four Muhammadan seats have been distributed on a consideration of population, voting strength and administrative convenience, and have been assigned to single-member constituencies. Voting will be by postal ballot. The local Government have taken pains to ensure that the constituencies shall not cut across either divisional or district boundaries, an objective which they have attained, save in the case of the Gaya-Chota Nagpur Muhammadan constituencies where it is impossible to secure it consistently with the framing of a suitable constituency. Their proposals have the support of public opinion and the Provincial Delimitation Committee and we recommend them for acceptance.

#### ASSAM.

646. Here, as in the case of the provincial Legislative Assembly, the vital question is the distribution of the seats available between the Assam Valley and the Surma Valley. The local Government have taken, so far as possible, the district as the unit of allocation. They recommend, in agreement with their Provincial Committee, that in accordance with the desire of the European Association in the province, one of the two European seats should be allotted to each Valley, the electorate in the case of the Assam Valley being estimated at 1,300 and in the case of the Surma Valley at 600.

647. It is proposed to allot one general seat to each of the six districts in the Assam Valley, one to the backward area districts in the Assam Valley and three to the Surma Valley, of which one will be assigned to Cachar (excluding the North Cachar Hills), one to an East Sylhet, and one to a West Sylhet constituency. This distribution of the general seats



655. In regard to the Provincial Assembly we recommended the substitution of the Indian Chamber of Commerce for the Bengal Mahajan Sabha. In consequence thereof, we accept the Bengal Government's proposal, but substitute for the Bengal Mahajan Sabha, the Indian Chamber of Commerce.

#### THE NON-PROVINCIAL SEATS.

656. The three non-provincial seats are allotted under the Government of India Act as follows :—

- (1) The Federation of Indian Chambers of Commerce and Industry ;
- (2) The Associated Chambers of Commerce ; and
- (3) Commercial Bodies in Northern India.

We recommend that the seat to be filled by the last mentioned constituency, shall comprise the following Chambers :—

- (1) Northern India Chamber of Commerce }
- (2) Punjab Chamber of Commerce .. } Punjab.
- (3) Upper India Chamber of Commerce .. United Provinces.

657. We have received a belated request from the Sugar Mills Association that that body should be included in the constituency allotted to commercial bodies in Northern India. We received no recommendation to this effect from any local Government. Nor can we at this late stage consider an application of this nature without consulting Provincial Governments and without giving full consideration to the rival claims of various bodies representing interests such as tea and coal.

658. We append to this Chapter a tentative suggestion for the rules to govern the qualifications of electors and candidates, and the electorate, for the provincial and non-provincial seats.

**PROVINCIAL COMMERCIAL SEATS.**

The qualifications of electors and candidates for the eight Commerce seats in the Federal Assembly assigned to the Provinces of Bengal, Madras and Bombay shall be as follows :—

**1. QUALIFICATIONS OF VOTERS.**

Those who are entitled to take part in the election to the Provincial Assemblies shall also be entitled to take part in the election to the Federal Assembly.

**2. QUALIFICATIONS OF CANDIDATES.**

Those eligible to represent the Associations concerned in the Provincial Assemblies shall be likewise eligible to hold the seats in the Federal Assembly.

Legislative Council. The local Government recommend that this system should continue, and their view is accepted by the majority of the Provincial Committee. We should, however, record that a minority of three in the Provincial Committee expressed the view that as the Gujarat Sardars number 175 only as against 534 Deccan Sardars and Inamdar, they will never have an opportunity of securing the seat, and they recommend in these circumstances that the seat should be rotated at successive elections between the Gujarat Sardars and Inamdar and the Deccan Sardars and Inamdar. We have already indicated that save in quite special circumstances we are strongly opposed to rotation, which we regard as unsound in principle, and while it may be that the Gujarat Sardars, being in a definite minority in the constituency, will stand less chance of securing the seat than the Deccan Sardars, we do not see how this can be avoided. In the circumstances we agree with the local Government and the majority of the Provincial Committee that the Sardars and Inamdar of Gujarat and the Deccan who elect to the Landholders' constituencies in the provincial assembly should combine to elect to the seat.

#### BENGAL.

664. The local Government, in agreement with their Provincial Committee, recommend that the qualifications of electors to the landholders' seat in the Federal Assembly should be the same as the qualifications of electors to the seats reserved for landholders in the provincial Legislative Assembly. Those qualifications are, in the case of the Burdwan and Presidency divisions, liability to payment of not less than Rs. 3,000 per annum, as land revenue or rent or both or of not less than Rs. 700 as road and public works cess ; and in the case of the Dacca, Rajshahi, and Chittagong divisions, land revenue or rent or both of not less than Rs. 2,000 per annum, or road and public works cess of not less than Rs. 500 per annum. The resultant electorate will be approximately 2,500, and it is proposed that the postal ballot should be employed. The suggestion has been made that it would be preferable that the seat should be allotted to a representative body or bodies of landholders, on the ground that a single seat for the whole province is too unwieldy. But we agree with the local Government that there is no force in this contention, and having regard to the standard of wealth and education of the electorate, to its relatively very small size, and to the fact that postal voting is contemplated we see no reason why any difficulty should be experienced in polling it. In these circumstances, we recommend the proposals of the local Government for acceptance.

#### THE UNITED PROVINCES.

665. The local Government propose that the constituency should cover the whole province and that the qualification of electors should be fixed at payment of not less than Rs. 5,000 land revenue per annum. We have recommended in the case of the landholders seats in the provincial Legislative Assembly in the United Provinces that the qualifications of electors, whether they belong to the British Indian Association or to the Agra Zamindars' Association, should be fixed

## FEDERAL ASSEMBLY.

## CHAPTER XVIII.—LABOUR.

669. There will be ten Labour seats in the Federal Assembly. One is a non provincial seat. Nine are allotted to provinces, their distribution being as follows :—

Madras	..	..	..	..	..	..	1
Bombay	..	..	..	..	..	..	2
Bengal	..	..	..	..	..	..	2
United Provinces	..	..	..	..	..	..	1
Bihar	..	..	..	..	..	..	1
Central Provinces and Berar	..	..	..	..	..	..	1
Assam	..	..	..	..	..	..	1
Non-provincial seat	..	..	..	..	..	..	1

The provincial seats under Schedule I, paragraph 23 (c) of the Government of India Act are to be filled " by such organizations, or in such constituencies, and in accordance with such manner of voting, as may be prescribed ".

*The non-provincial seat.*

670. We deal first with the non-provincial seat for the Federal Assembly. The White Paper of 1933 indicated the All-India Trade Union Federation as the electorate for this seat. Up to 1930, the All-India Trade Union Congress was the most important all-India organisation of workers. But in that year a split occurred in the Congress, and a second body was formed called the Indian Trades Union Federation. In the middle of 1933, this federation was amalgamated with the National Federation of Labour under the new name of National Trades Union Federation. At the end of 1933, certain unions resigned from this body and formed a new organization styled the All-India Trades Union Federation. The National Trades Union Federation is, however, undoubtedly the leading labour federation in India at the present time, and at the end of 1935 its membership comprised 53 affiliated trade unions in British India with a total membership of 138,904.

671. We recommend, after consideration of the alternatives discussed in paragraphs 672 and 673 below and subject to the conditions that follow, that on the occasion of the first election the non-provincial seat should be assigned to the National Trades Union Federation. Under Article 389 (3) of the Treaty of Versailles, the workers' delegate to the International Labour Conference must be selected by Government in consultation with the most representative organisation of workers in the country concerned ; and the Government of India at present accept the National Trades Union Federation as the most representative organisation for this purpose. While however it is admittedly the most representative organisation of workers at the present time, the statement in the preceding paragraph shows that it is not of long standing and that it has had a somewhat

One way of doing this might be as follows :—

Province.		Number of seats.		Distribution.
1. Madras ..	..	1	Textile and Railways ..	By rotation.
2. Bombay ..	..	2	Textile ..	1 Permanent.
			Railways and Seamen ..	1 By rotation.
3. Bengal ..	..	2	Jute ..	1 Permanent.
			Railways and Seamen ..	1 By rotation.
4. Bihar ..	..	1	Mining ..	Permanent.
5. Assam ..	..	1	Planting ..	Permanent.
6. United Provinces ..	..	1	Textile and Railways ..	By rotation.
7. Central Provinces ..	..	1	Textile and Railways ..	By rotation.

The effect of this suggestion, if accepted, would be that, while the provinces will get their quota of labour representation in the Federal Lower House, the industries suggested by the Indian Franchise Committee, will be adequately represented. Only, at one time railway labour will get three seats and the textile labour two seats and at the next time the railway labour will get two and the textile labour three seats. The other four industries will always continue to be represented. We are, however, prepared to consider any alternative arrangement which can secure a more equitable representation to the interests concerned".

#### *Our recommendation.*

675. We consider this to be an attractive scheme, but it is difficult to harmonise it with the proposals of the local Governments regarding the provincial labour seats. Further, in some provinces, it has not been possible to provide for representation of labour through trade unions. We are of opinion that it is best to accept in the main the proposal of the local Governments, and to leave it to the future for representation in the Federal Legislature to develop on the lines of the functional representation of labour in the provinces.

#### *Qualification of electors and candidates.*

676. We recommend that the qualifications of electors and candidates, and the conditions of admission of registered trade unions to the electorate, for the provincial seats in the Federal Assembly, should be the same as those proposed for the labour seats in the provincial Assemblies in Chapter IX of our report.

#### *Allocation of provincial seats.*

677. The proposals of local Governments for the allocation of the provincial seats, and our recommendations on them, are as follows :—

#### *MADRAS.*

678. The local Government recommend that the constituency should be a special labour constituency based on the City of Madras and the adjoining district of Chingleput, the electorate in which would be formed of factory-workers, including railway workers, and dock and port labourers

## THE UNITED PROVINCES.

682. The local Government, as explained elsewhere, propose, and we accept their recommendation, to allot two of the three seats assigned to labour in the provincial Legislative Assembly to special labour constituencies, and the third to a trade union constituency. They originally recommended to us that the seat assigned to labour interests in the Federal Assembly should be filled by the two special labour constituencies in the provincial Assembly. We could, however, see no justification for thus excluding the trade union constituency in the provincial Assembly from the electorate ; and on further consideration, the local Government agree that it should be included in it. Subject to this modification we regard their recommendation as suitable. The method of election will be direct.

## BIHAR.

683. For the reasons discussed more fully in paragraph 540 above we recommend, in agreement with the local Government and their Provincial Committee that the seat assigned to Bihar labour in the Federal Assembly should be included in a rotating series with the labour seats in the provincial Legislative Assembly, and that on the occasion of the first election under the new constitution, it should be filled from the Dhanbad trade union constituency.

## THE CENTRAL PROVINCES AND BERAR.

684. We examined with the local Government the possibility of throwing the two seats assigned to labour in the Provincial Assembly into a rotating series with the one seat assigned to labour in the Federal Assembly : but as a result of our investigation, we reached the conclusion that the balance of advantage was against action on those lines. In agreement with the local Government, we now recommend that the Federal seat should be assigned to a mining constituency based on the Chhindwara district, with an electorate estimated at some 4,000. Election will be direct.

## ASSAM.

685. As regards the Assam Federal labour seat, we recommend that the Governor acting in his discretion should assign it on the occasion of each election to one of the constituencies contained in the rotating series suggested by us for the labour seats in the Assam Provincial Assembly. We would suggest that he may probably find it desirable to allot the seat alternately to a constituency in the Assam and a constituency in the Surma Valley.

ordinary communal qualification, a candidate for the general or the Muhammadan seat now under consideration should be required to possess the qualifications set out in paragraph 1 of the First Schedule to the Government of India Act, and that he should be an elector in the constituency.

**AJMER-MERWARA.**

691. One general seat is assigned to Ajmer-Merwara. The area of this province is 2,711 square miles, its population is 560,292, and the estimated number of electors in the general constituency is 20,000. The Chief Commissioner recommends that the whole province should form the constituency. The Government of India support his recommendation, and we accept it. The qualifications of electors will be those set out in the White Paper of 1st October 1935. We recommend that a candidate should be required to possess the qualifications requisite under paragraph 1 of the First Schedule to the Government of India Act, and that he should be an elector in the constituency.

**COORG.**

692. One general seat in the Federal Assembly is assigned to Coorg. The area of the province is 1,593 square miles, and its population 163,327. Under the provisions of paragraph 24 (a) of the first schedule to the Government of India Act, election to the seat will be by members of the Coorg Legislative Council, and we are not called on in these circumstances to make any recommendation as to the qualifications of electors. The qualifications of a candidate for the seat are likewise decided by the provisions of paragraph 25 (i) of the First Schedule to the Act, which provides that a person shall not be qualified to hold the seat unless he is qualified to hold a seat of the same class in the Coorg Legislative Council.

*Qualifications of electors.*

695. Paragraph 6 of the First Schedule to the Government of India Act lays down the general communal qualifications required in the case of electors to the Council of State, and provides that subject to the possession of the qualifications in question, the qualifications of voters shall be such as may be prescribed. His Majesty's Government, in the White Paper published on 1st October 1935, have set out the qualifications which they propose to recommend to Parliament in the case of the electors to the various territorial constituencies in the Council of State, and no recommendation on the point is therefore called for from us.

*Qualifications of candidates.*

696. As regards the qualifications of candidates, paragraph 11 of the First Schedule to the Government of India Act provides that a person shall not be qualified to hold a seat in the Council of State unless, in the case of a seat allotted to a Governor's province or a Chief Commissioner's province, he is qualified to vote in a territorial constituency in the province at an election of a member of the Council of State, or, in the case of a seat allotted to British Baluchistan, unless he possesses such qualifications as may be prescribed. The same paragraph provides that in the case of a seat allotted to the Anglo-Indian, the European or the Indian Christian community, the qualifications of a candidate shall be such as may be prescribed.

697. The qualifications of candidates for the ordinary territorial constituencies have thus been settled by the Act. In the case of British Baluchistan, His Majesty's Government have decided that the seat should be filled by nomination by the Governor General, and they have likewise set out, in the White Paper of October 1935, the qualifications of candidates. In the case of the seats allotted to the Anglo-Indian, the European and the Indian Christian communities, we recommend that a candidate should possess the qualifications set out in the first paragraph of the First Schedule to the Government of India Act, and that he should in addition be an elector in the constituency.

*Selection of constituencies to be filled for varying periods at the first election.*

Paragraph 13 of the First Schedule to the Government of India Act, 1935, provides that the seats allotted to the various provinces and communities shall, on the occasion of the first election under the new constitution, be filled for varying periods. We have embodied in our recommendations the proposals we have received from the different provinces as to the seats to be filled for three, six, and nine years respectively. Those proposals in every case appear to have general support, and we regard them as satisfactory.

*Proposals of individual provinces.*

698. The proposals of the different provinces for the delimitation of their territorial constituencies and our recommendations regarding them are contained in paragraphs 699 to 718 below. Before proceeding to examine

method of voting to be adopted in the case of the multi-member Muhammadan constituency, we see no objection to the local Government's proposal for the employment of the single non-transferable vote, and we accordingly recommend it for acceptance.

#### BOMBAY.

701. Of the fourteen seats assigned to Bombay, one is reserved for a representative of the scheduled castes and one for women, while ten are general and four Muhammadan. The Provincial Committee and the local Government favour the adoption of a combination of population and voting strength, as in the case of the Provincial Legislative Council, for the basis of the territorial constituencies. On this basis, two general seats fall to the city of Bombay. The remainder of the general seats are allotted to rural areas, and, in the composition of the constituencies, it is proposed to ignore revenue divisions, to group together contiguous districts having regard to their population and voting strength, and to allocate one seat to each constituency so formed. The Provincial Committee remark that they "realise that such an arrangement will result in single-member constituencies, but though we adhere to the view that the conditions of this Presidency make plural member constituencies preferable, we think that having regard to the very small number of seats available for each district, the constituencies will be unmanageable if more than one seat is provided for each"; and the local Government share their view. Of the four Muhammadan seats, one on considerations of population and voting strength falls to Bombay City, and of the remaining three, one each is allotted to the Northern, the Central and the Southern divisions. It will be seen that the general effect of the local Government's proposals is to allot three seats to the representation of urban areas and to create single-member constituencies save in the case of the general seats allotted to Bombay city. The local Government's proposals have provoked no public criticism. We regard them as suitable, and recommend them for acceptance.

#### BENGAL.

702. Of the twenty seats assigned to Bengal, one is reserved for women, and one for the scheduled castes, eight are general and ten Muhammadan.

703. The local Government think it desirable to assign some representation to urban areas. They admit that the basis of selection must be to a large extent empirical, and they have adopted accordingly the ratio of urban to rural seats which holds good in the case of the Bengal seats in the existing Legislative Assembly, the effect of which is to allot three seats to urban areas. They remark that "any attempt to assess urban weightage on the basis of population or voting strength in the case of the Council of State would be meaningless and infructuous", and they are of opinion that the plan which they recommend, which involves the creation of urban constituencies co-terminous with those proposed for the provincial Legislative Council and identical with the present Legislative Assembly constituencies, will give satisfactory results, and will reduce administrative difficulties. They propose to allot the six general and the nine

## THE UNITED PROVINCES.

706. There are twenty seats, eleven of which are general and seven Muhammadan. One is reserved for the scheduled castes and one for women. The local Government recommend that the constituencies should in all cases be single-member. As regards the representation of urban interests, they remark that in the present Council of State, in which, however, five seats only are assigned to the United Provinces, there is no representation of urban interests, although two seats out of fourteen are assigned to urban areas in the present Legislative Assembly. The local Government consider that it is desirable to accord some degree of separate representation to urban interests in the future Council of State, and they suggest that having regard to the small number of seats available, one general and one Muhammadan urban seat will suffice. They recommend that the urban constituencies should be based on the eight towns in the province which have a population of 100,000 and over. (It may be remarked that in the present Legislative Assembly, the seven largest towns in the province form the constituency for the two urban seats.) As regards the rural seats, they contemplate the allocation of the ten general seats to the ten Commissioners' divisions in the province.

Of the six Muhammadan seats, four would be allotted to four groups of two divisions, one to the Lucknow division and one to the Fyzabad division. In framing their recommendations, the local Government have given consideration to geographical contiguity, to the desirability of securing a reasonable degree of representation for the different divisions in the province, and to the importance of ensuring that the electorate in each constituency is of reasonable size. There has been practically no criticism of the recommendations of the local Government, which we regard as well suited to the conditions of the province, and we recommend them for acceptance.

## THE PUNJAB.

707. Three of the sixteen seats allotted to the province are general, four Sikh and eight Muhammadan, while one seat is reserved for a representative of women. The average electorate per seat under the local Government's proposals will be 760 in the case of the Muhammadan seats, 807 in the case of the Sikh seats, and 2,144 in the case of the general seats. It will be seen that the average is very distinctly higher in the case of the general than in the case of the Sikh and Moslem seats but, given the large number of general electors (6,434) and the fact that three general seats only are available, this is unavoidable. The local Government in framing their delimitation proposals have given weight to the desirability of securing that no part of the province is left without representation, and to considerations of population and of administrative convenience. Their proposals have been generally accepted in the province, with the exception that we have received a recommendation that Ferozepore should be transferred from the Lahore division seat to the Sikh seat, which is allotted under the local Government's proposals to the Rawalpindi and Multan divisions, Gujranwala being transferred from the latter to

Government's proposals have the support of the Provincial Committee and public opinion, and we regard them as suitable.

#### ASSAM.

711. Five seats are allotted to Assam, of which three are general and two are Muhammadan. The question of importance is, as in the case of the Provincial Assembly and the Provincial Legislative Council, the distribution of these seats between the Assam Valley and the Surma Valley. The local Government, in the light of the views of the Provincial Committee and of the public, propose to allot one Muhammadan seat to the Assam Valley with certain hill districts, and one to the Surma Valley with the district of Cachar and the Lushai Hills. The electorate in the Assam Valley constituency is estimated at 150, and that in the Surma Valley constituency at 360. Of the three general seats, they suggest that two should be assigned to the Assam Valley and one to Sylhet, with district of Cachar and the Lushai Hills. The total electorate for the Assam Valley seats is estimated at 1,100, and that for the Surma Valley seats at 850. The constituencies will in all cases be single member, and it is proposed that postal ballot should be employed. The local Government's recommendations have the support of the Provincial Committee, and have evoked no criticism, and we regard them as suitable.

#### THE NORTH-WEST FRONTIER PROVINCE.

712. Of the five seats assigned to the Province, one is general and four are Muhammadan. The local Government recommend that all the constituencies should be single member, and that the one general seat, the electorate for which is estimated at 600, should cover the whole province. Of the four Muhammadan seats, they suggest that one should be allotted to the representation of urban interests, and that it should comprise all the municipalities, cantonments and notified areas. The estimated electorate is 2,000. They propose to allot the three remaining seats to the Peshawar district, to the Hazara district, and to a constituency comprising the districts of Kohat, Bannu and Dera Ismail Khan. The electorates in these three constituencies are estimated at 600, 200, and 600, respectively. As will be seen, the total electorate for the three rural constituencies falls short by some 600 of the estimated electorate for the single urban constituency. But we agree with the local Government that it is desirable in the first place, having regard to the relative importance and the character of the urban element in the province, that separate representation should be allotted to urban interests; and secondly that, having regard to considerations of area, population, and communications, three seats are the minimum which can reasonably be assigned to the five rural districts in the province. The local Government's proposals have the general support of public opinion, and we recommend their acceptance.

#### ORISSA.

713. Under the provisions of the Act, one seat is assigned to the Muhammadan community, while four are general. The electorate for

## PART V.

## CHAPTER XXI.—CONDUCT OF ELECTIONS.

719. It is, we believe, many years since there has been an election petition in the United Kingdom. In India they average seven a year.

We have already in Chapter V, when dealing with the question of primary elections, indicated the need for a special summary procedure. There are, however, in our opinion definite advantages to be gained if one of the main grounds on which, in the past, elections have been impugned can be removed.

A perusal of the reports of the various Election Inquiry Commissions discloses a remarkably large number of petitions based on purely technical grounds.

*Nomination of candidates.*

720. For example, in Madras there has not been any case founded on an objection to the nomination of a candidate. In the other provinces these have been as frequent as they are unnecessary. In the Madras Presidency, it was recognised that all that was needed was adequate and accurate publicity, the name, description, and address of the candidate to be such as might be clear to all the electorate. In the other provinces, candidates were encouraged to put forward "hair splitting" objections, which were far too often upheld. A few examples follow.

721. In one case the Returning Officer rejected the nomination paper because the signature of the candidate included the words meaning *Bakalam khud*, or that the signature was written by his own hand. In another, where the Returning Officer had before him the two candidates, advocates practising in his court, the nomination paper was rejected because the electoral roll shewed that the candidate's age was 'over 21' and not 'over 25' years of age. In others, the spelling of a name, for which there were various methods, *e.g.*, Rao or Rau, Singh or Sinha, was considered sufficient to disqualify the candidate. Instances could be multiplied.

722. Each of such cases costs the taxpayer a considerable sum. The objection having been entertained by the Returning Officer, costs cannot be given against the objector, though in some cases the respondent has been mulcted for carelessness in filling up the paper, and thus causing the objection. This lack of common sense on the part of the official cannot, in the absence of proved malice, saddle him with the cost of an expensive Commission of Inquiry, and the public purse has to bear charges which may range from Rs. 3,000 to Rs. 5,000. And this apart from the waste of time and the necessity for a fresh election, possibly a second contested election.

*Our recommendation.*

723. We therefore suggest, and we do this with the full approval of all the provincial Governments, that the rules regarding the receipt and scrutiny of nomination papers should be altered. It should be one transaction. The duty of the Returning Officer should be restricted to seeing that, after considering any criticisms or suggestions made by

We suggest that in the case of such obvious mistakes the electoral roll should not be regarded as absolutely binding on either the Returning Officer or the Presiding Officer, and that he should be empowered to make such enquiry, if any, as he may consider necessary to correct the mistakes.

*Commissions of Inquiry.*

727. The procedure in regard to the holding of Commissions of Inquiry varies in different provinces. In the Punjab under the Sikh Gurdwaras Act, 1925, it became necessary to constitute a tribunal consisting of a High Court Judge as President, and two members, whose qualifications are laid down in the Act. Since 1926 all election petitions have been dealt with by them, with no extra cost to Government. It appears likely that this tribunal will be dissolved after a few months from now. Then it will be necessary to constitute a special tribunal for the purpose of election petitions. The constitution of the Commission according to the rules is the same for all, namely, that the Governor shall appoint as Commissioners for the trial of the petition three persons, who are or have been or are eligible to be appointed Judges of a High Court. In some provinces every effort has been made to include as one of the three Commissioners a Judge of the High Court. It would, in our opinion, be satisfactory, if such an appointment were made obligatory, for that alone will ensure, what we regard as most desirable, that there should be a recognised *corpus* of election law derived from an unimpeachable authority.

*Payment of costs.*

728. An election petition is always an expensive affair for the taxpayer, and the cost of it should, we suggest, be borne by the unsuccessful party in the enquiry. This is the practice usually observed in Bombay. A recommendation is made by the Commissioners as to the total amount of cost which is payable, and as to the persons by and to whom such costs should be paid. It may include the cost to be paid to the Advocate General or to the person who may have appeared before the tribunal on his behalf in compliance with an order of the Commissioners. We recommend for adoption the system followed in Bombay, which is as follows:—

“The inquiry is held at a place appointed by the Governor. On the appointment of the Commissioners, Government place at their disposal a grant to meet necessary expenditure on account of postage, stationery, travelling allowances, establishment, etc. The Commissioners are usually paid an honorarium of Rs. 100/- per day in the case of non-officials, and Rs. 50/- in the case of officials. These charges are treated as part of the cost of the Commission. Besides the cost of the setting up of the Commission, the costs allowed by the Commissioners to the Advocate General if he is summoned by them, the expenses incurred by witnesses, and the fees of his adversary’s pleader, are treated as part of the cost of the Commission of Inquiry.

The cost of setting up of the Commission, unless paid by the party is first recovered from the deposit of Rs. 1,000 made by the petitioner

it to be necessary for the proper preparation or publication of the roll or for the proper holding of the election."

We feel sure that in most provinces it will be found necessary to have recourse to this or a similar rule, and that the Governor acting in his discretion will have to pass orders for the proper holding of the election.

*Election manual and election law.*

731. Lastly we have been impressed by the fact that, at present, elections are regarded rather like a census operation, as an extra, and perhaps rather vexatious, work, to be undertaken and carried out with such improvisation as can be arranged. More definite permanent administrative arrangements appear to be necessary in the interests of candidates and constituents. We found that our suggestion that an "Election Manual" should be prepared, giving full and detailed instructions in all matters connected with elections, from the preparation and printing of the electoral roll down to the declaration of the result of the poll and the subsequent custody and recording of the important papers was favourably received. It would replace the circular orders and letters issued on the eve of every general election. An intimate acquaintance with such a manual, combined with a knowledge of the case law on the subject, might well be included in the list of subjects at the Departmental Examinations which all gazetted officers have to pass.

*Departures from English electoral practice.*

732. During our tour we received certain information from the various local Governments and from witnesses and also in informal discussions, which we venture to include in our report. In some cases a definite request has been made that we should do so. In others, on the principle, that we should submit any suggestions which may tend to the convenience of the elector, facilitate the conduct of an election, or obviate difficulties, whether purely administrative or caused by nefarious practices, we have deemed it proper to state the facts as we found them, and, where it is possible, indicate possible remedies. Many of these matters, as for example, the actual recording of votes or the identifying of voters can be dealt with by Governor's Rules. It might, however, we conceive, be of some advantage if, like the present regulations for holding elections, these were generally uniform.

733. Our enquiries reveal marked differences between elections and electorates in India and in the United Kingdom. The laws and the procedure, slowly elaborated in the latter country from the experience of two centuries, have nearly *in toto* been reproduced in India. It may therefore be of some interest to see how far they have been assimilated, and whether any adjustments have been found necessary, and if so what steps can be taken to make them.

*Withdrawals of candidature.*

734. In the first place there are in an election in the United Kingdom very few withdrawals of candidature, certainly none after the nomination has been accepted and published by the Returning Officer. In

## B.—LEGISLATIVE ASSEMBLY.

Province.	Year.	After nomination.	After scrutiny.	Remarks.
Madras	1926	..	..	
	1930	5	9	
	1934	1	10	
Bombay	1930	2	6	
	1934	1	3	
Bihar and Orissa	1926	..	1	
	1930	1	5	
	1934	..	6	
Central Provinces	1926	..	..	
	1930	..	..	
	1934	..	8	
Assam	1926	1	..	
	1930	..	2	

There are of course a large number, probably the majority, of perfectly honest withdrawals. For example, three gentlemen may put their names down for three constituencies, and wait to see who is opposing them before they decide among themselves for which constituency they will stand. Others at the scrutiny may realize that their chance of election is small and retire. But apart from this we have no reason to disbelieve, although there is only one proved case on record in the Election Petition cases, that there are occasions of dishonest collusion.

736. To suggest any remedy is extremely difficult, for naturally in such cases no definite evidence is forthcoming. An allegation of illness, or a family event, in the interval between the acceptance of the nomination paper and the poll may arouse suspicion, but no elector will go to the expense of an election petition on the chance of converting rumour into fact.

737. We are not in favour of raising the deposit for candidature. In the case of the scheduled castes we have suggested that it should be lowered. Withdrawal, it was suggested, however, might be made a little more difficult if the consent of the proposer and seconder had also to be obtained. We think that, as in the case of the nomination, such notice of withdrawal should be presented by the candidate personally or by any of his proposers or seconders. We find it very difficult to suggest any practical remedy, since a candidate can still ostensibly stand and go to the poll, having let his supporters know that he wishes them to vote for his opponent. Nevertheless we deem it right to give prominence to the fact that withdrawals, more especially with the large increase in constituencies, may become an increasingly unpleasant feature of Indian elections.

*Method of recording votes.*

738. To understand the difficulties to which we refer below in connection with personation, we have to travel the same ground as the Indian Franchise Committee did (paragraph 19 and Appendix V) in dealing with polling methods.

could be screwed on to the ballot boxes, and which could be more easily recognised by the illiterate voter than a small reproduction of the same on the ballot paper. It might be possible to make this a branch of the Jail industry combining with it the manufacture of ballot boxes.

*C. The coloured box system.*

743. The Indian Franchise Committee reported as follows :—

“ The system we recommend is the coloured box or symbol system, which is in use in Ceylon and has also been tried successfully in India. In the polling compartment, boxes bearing distinctive colours or symbols are placed, one box being provided for each candidate. The colour or symbol assigned to each candidate is fixed some days before the polling takes place, and the voters have no difficulty in ascertaining the colour or symbol assigned to the candidate for whom they desire to vote. The voter makes no mark on his ballot paper, but merely drops it into the box of the candidate of his choice.”

The trouble, however, is that all voters do not drop it in. Some are disposed to retain it with a view to sale later on, and in one election in Bihar towards the close of the poll such palmed votes commanded a high figure. An agent of a candidate collects these votes and arranges for a trustworthy voter to take them and to drop them all in the right box. In Ceylon this practice has been made a criminal offence. The only effective remedy is the presence of some one, either a constable or a clerk, to see that votes are actually deposited, and to prevent any tampering with the boxes. Here again the secrecy of the ballot is impaired, because the average voter, even if the officer who is watching is taken from a different part of the constituency, will still believe that it will be known and published as to how he voted. It seems to us necessary, however, that this precaution should be taken. Cases have been reported where the slit in one box had been filled up with clay with the result that a good many electors, to save themselves the trouble of opening it, had deposited their ballot papers in another box. In view of the large percentage of the electorate who are ignorant, it is impossible to expect the same degree of secrecy as obtains at elections in the United Kingdom.

744. It has been represented to us that this system of voting should be accompanied by the single non-transferable vote, in the interests of simplicity. In multi-member constituencies, especially where in addition there may be a seat reserved for the scheduled castes, the number of boxes would far exceed the number of primary colours, and might even necessitate a combination of three colours. In this event, recourse must be had to the token system referred to above; but there appears to us to be no great difficulty in giving the voter three ballot papers, and telling him to put them in any box he likes or to distribute them as he likes. The real practical objection is that it multiplies the ballot papers and makes counting a more laborious task.

*D. Postal voting.*

745. In an educated electorate the ballot papers are sent out with a small envelope inside which the voter places his ballot paper after marking it, and then returns it in another envelope to the Returning

towards the prosecution of any person charged with having committed the offence of personation : neither is it incumbent on the candidates or their agents to do so. As a matter of fact, in cases where there is a large difference in the number of votes polled for a successful candidate and the number polled by the unsuccessful candidates in a particular constituency, the comparatively few doubtful votes in respect of which personation is alleged or suspected are not of much importance, and consequently neither the candidates nor the election officers bestow any thought on them after the results of the election are declared. The result of this is that prosecutions in respect of the offence of personation at elections are so rare that candidates and their agents challenge voters far too often on unfounded charges of personation in order to gain their own ends at the polls. To prevent such abuses at future elections to the Provincial Legislature, it has been suggested that a deposit of a substantial amount may be demanded to be paid for each challenge brought forward by a candidate or his agent, the amount being liable to forfeiture if on enquiry the challenge is found to be frivolous and not made in good faith but with a view to waste time."

748. Orders on these lines might be worth consideration by local Governments. The point is in any event one which may in certain provinces be regarded as of sufficient importance to merit examination when Governor's Rules are being drafted.

## CHAPTER XXII.—CORRUPT PRACTICES.

*Personation.*

749. In this chapter we discuss various corrupt practices. Common in some provinces, in others personation at elections is usually confined for the most part to elections to local bodies. The following is an account taken from a Karachi paper of recent date with reference to the results of an election enquiry into a municipal by-election :—

“ The main issue was one of personation. Forty-seven persons were detected in the actual act of personating. Dead persons were brought to cast their vote. A list of about 30 such persons was filed. About 250 persons who were out of Karachi had their votes recorded. Persons came in to vote in the name of the firms. The greatest tragedy was that voters living in Karachi went to the polling stations to find their votes already recorded. This number went over 100. A batch of Mauripur chowkidars came to vote after their release from duty at 2 and 5 P.M. to find their votes already recorded.”

It has been mentioned in several election petitions, but the evidence produced has not been sufficient to prove that—

“ the election of a returned candidate has been procured or induced or the result of the election has been materially affected by a corrupt practice”.

By the Corrupt and Illegal Practices Prevention Act, 1883, the offence of personation or of abetment thereof is in England a felony punishable by imprisonment for a term not exceeding two years with hard labour. In addition, the offender is disqualified from voting at an election or for holding any public or judicial office for a period of seven years. [Criminal Justice Administration Act, 1914, (4 and 5 Geo. V. C 58).]

750. In India, the penalties are much lighter, imprisonment which may extend to one year, or a fine, or both. Disqualification is for five years, and is removable by the local Government. In the provincial Electoral Rules, personation is included in the section which deals with the minor corrupt practices. At present under the provisions of section 196 of the Criminal Procedure Code, no Court can take cognizance of the offence of personation “ unless upon complaint made by order, or under authority from, the Governor-General in Council, the local Government, or some officers empowered by the Governor-General in Council in this behalf ”.

*Our recommendation.*

751. The Bombay Legislative Council has recently passed an Act, called the Bombay Criminal Procedure (Elections Offences) Amendment Act, 1935. The effect of this Act is—

- (a) to take the offence of personation out of the scope of section 196 of the Criminal Procedure Code ;
- (b) to amend Schedule II to the Criminal Procedure Code so as to make the offence of personation cognizable.

persons living in 7 or 8 villages round it. As a result of this, candidates freely supplied conveyances to voters in spite of express rules prohibiting such practice. No voter is prepared to sacrifice his meagre earnings on a drive in a motor bus, for the mere pleasure of recording his vote. Besides he is obliged to forego a day's wages for going to the distant polling booth. In a country where the average income of a person is said to be two annas a day, one can easily understand the extent of sacrifice involved in foregoing a day's wages, not to speak of the expense involved in going to the booth. The voters have to starve the whole day, unless an accommodating candidate supplies them with noon day meal. All these are now found by candidates who bring them to the booth, and it is notorious that the return of election expenses does not show the big items spent for these purposes. Several thousands of rupees have been spent by candidates on such expenses, although they never come to light. The Simon Commission had, within the short space of a few months' stay in India, discovered appalling corruption in elections, and had recommended to the authorities to devise ways and means of preventing it. When the rich men resort to bribing the voters, the poor men will have at least to provide conveyances and refreshments to voters."

A candidate informed us that in his constituency the voter expected him to provide conveyance not only for himself but also for his friends.

A distinction may, perhaps, be drawn between the hiring of a lorry for the conveyance of electors and the purchase of tickets by rail. In the latter case facilities are available to the voter: in the former, generally speaking, they are not. The total disregard of the rule forbidding the hiring of public conveyances has a further evil consequence, since, as expenditure on this account is illegal, no candidate, though all incur it, includes any payments in respect of it in his return of election expenses.

#### *Our recommendation.*

754. We recommend, therefore, that the rule regarding hiring should be abrogated, and that candidates and agents should be expected to include all expenditure on this account in their return of election expenses. At present, these returns are of very little value, on either the credit or debit side.

#### *Treating.*

755. Perhaps to a less extent the same remarks apply to treating. It is universal, but usually on a moderate and reasonable scale. In most elections outside the towns the various candidates erect, near the polling station, a large tent, where the tired elector can get a meal before he undertakes his five mile return journey. As one witness put it to us: "An election in the *mufassal* is like a fair, with everyone feasting and enjoying

W. D. Christie in his book "The Ballot" (1872), quotes the following as shewing the conditions previous to the passing of the Ballot Act in 1872 :—

"These corrupt practices I hold to be one of the most dangerous symptoms of the times, tending more than anything else to sap the foundations of social order, and to undermine the constitution." (Lord Palmerston: May 9th, 1842.)

"There are no defects in the distribution of the franchise, however unjust, which are so destructive of public virtue or of the credit of our representative system, as these acts of bribery, and corruption." (Lord John Russell, February 11th, 1853.)

"So far from diminishing, the evil is on the increase, and has perhaps been practised more generally at the last than at any other previous election." (The Earl of Derby, May 29th, 1866.)

758. It would be fanciful to imagine that India, in the development of her electoral system, can escape entirely the evils which have accompanied such development elsewhere. It is not unnatural that she should produce some indigenous malpractices. But it may be stated, without fear of contradiction, that despite all the special difficulties to be met in India, geographical, physical and intellectual, the historian of the future will not record on India's early efforts, the verdict that we find in "The History of Parliamentary Elections\*" in England :—

"With the modifying influence of progress, and a more advanced civilisation, the time may come when the narrative of the robustious scenes of canvassing, polling, chairing, and election-feasting, with their attendant incidents of all-prevailing bribery, turbulence, and intrigue, may be regarded with incredulity as fictions of an impossible age."

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\* By Joseph Grego (Chatto and Windus, Piccadilly), 1892.



5. As regards the delimitation of the territorial constituencies, His Majesty's Government, while they are content to leave your Committee a wide discretion in matters of detail, are anxious that you should make it your general aim to ensure, so far as the conditions permit, the maximum degree of contact between the candidates and electors, and the convenience of both, due regard being paid to administrative needs ; the ideal to be aimed at being constituencies manageable in area, in number of voters, and in physical characteristics. They wish to draw your special attention to the importance of securing a reasonable balance between the representation of town and country in the new Provincial Legislatures, and you will no doubt have regard to the observations of the Indian Franchise Committee on this point in paragraph 95 of their Report.

6. A problem which will call for consideration in connection with the delimitation of certain of the territorial constituencies is the question whether more than one seat should be assigned to a single constituency. Broadly speaking, His Majesty's Government are disposed to think that, save where the establishment of multi-member constituencies is necessitated by the reservation of seats (as in the case of the scheduled castes and of the Maharratas in Bombay) or for other special reasons, there would be advantage in each constituency returning a single member. The point is, however, one which your Committee will no doubt consider in the light of local conditions and of the views expressed by the various Provinces concerned. His Majesty's Government would, however, be glad if, in any case in which you think it desirable to recommend the establishment of a multi-member constituency, you will consider the use of the single non-transferable vote, a question which, as you are aware, has attracted considerable attention in the discussions in Parliament on the Government of India Bill.

7. His Majesty's Government recognise that (as in the case of the franchise for the Provincial Legislative Assemblies which is embodied in the Sixth Schedule to the Bill) it will be unwise to insist on an artificial uniformity in matters such as the size or population of the territorial constituencies in the different Provinces, the method of dealing with the problems presented by such special interests as labour, etc., and that full weight must be given to the differences in provincial conditions. They feel, however, that there must be many points on which a considerable degree of uniformity as between Provinces will be practicable, and that, in particular, it should be possible for your Committee to perform a useful work of co-ordination in connection with the constituencies allotted to special interests.

#### *Procedure.*

8. The procedure to be adopted for the conduct of your enquiry is, of course, essentially a matter for your Committee to decide. But His Majesty's Government attach great importance to your Committee's ensuring that it is fully informed of the views and wishes of the various interests for which representation is to be provided, particularly in the case of those interests, such as the Scheduled Castes, labour, women, and the backward areas and tribes, for which specific provision has hitherto either been absent or has been made by means of nomination. While the pressure of time may make it necessary to curtail the amount of oral evidence to be taken they trust that it will be possible, with the assistance of the representative committees which have been established in most, if not all, Provinces and by arranging for the early submission of written statements by the various interests concerned, to ensure that the problems presented by the electoral representation of these important sections of the community are fully before your Committee in reaching its conclusions.

9. His Majesty's Government desire me in conclusion to impress upon you the great importance of completing your investigations at as early a date as possible. As you are aware, it will be necessary for His Majesty's Government, in the light of the recommendations of your Committee, to submit detailed proposals for consideration by both Houses of Parliament, and until Parliament has taken a decision on those recommendations it will not be possible to proceed with the first requisite for the introduction of the new Provincial Constitution, namely, the preparation of the electoral rolls. It is thus of great importance that no avoidable delay should

## APPENDIX II.

## Personnel of the Provincial Delimitation Committees.

*Madras.*

1. M. R. Ry. S. Muthiah Mudaliyar Avargal, B.A., B.L. (Chairman).
2. Rao Bahadur Sir A. P. Patro, B.A., B.L., M.L.C.
3. Mr. Daniel Thomas, M.L.C.
4. M. R. Ry. Rao Sahib N. Sivaraj Avargal, M.L.C.
5. Khan Bahadur Yahya Ali Sahib Bahadur, M.L.C.
6. Sir M. Ramachandra Rao.
7. M. R. Ry. K. P. Raman Menon Avargal, M.L.C.
8. Dr. P. Subbarayan, M.L.C.
9. Mrs. M. Venkatasubba Rao.
10. Mr. T. G. Rutherford, C.I.E., I.C.S.
11. M. R. Ry. N. Ranganathan Avargal.
12. M. R. Ry. Diwan Bahadur A. Ramaswami Mudaliyar Avargal.
13. M. R. Ry. A. Ranganatha Mudaliyar Avargal, M.L.C.
14. G. T. Boag, C.I.E., I.C.S. (Secretary).

*Bombay.*

1. The Hon'ble Mr. Justice N. J. Wadia, I.C.S., Bar.-at-Law (Chairman).
2. Mr. C. W. A. Turner, C.S.I., C.I.E., I.C.S.
3. Rao Bahadur R. R. Kale, M.L.C.
4. Sardar Rao Bahadur Bhimbhai R. Naik, M.L.C.
5. Rao Bahadur N. E. Navle, M.L.C.
6. Mr. Hoosenally M. Rahimtoola, M.L.C.
7. Khan Bahadur Abdul Latif Haji Hajrat Khan, M.L.C.
8. Rao Bahadur S. N. Angadi, M.L.C.
9. Dr. P. G. Solanki, M.L.C.
10. Rao Saheb V. H. Vachhrajani, M.A., LL.B. (Secretary).

*Bengal.*

1. The Hon'ble Khwaja Sir Nizamuddin, K.C.I.E. (Chairman).
2. The Hon'ble Sir Bijoy Prosad Singh Roy, Kt., M.L.C.
3. Mr. B. C. Chatterjee, M.L.C.
4. Mr. S. M. Bose, M.L.C.
5. Mr. Narendra Kumar Basu, M.L.C.
6. Khan Bahadur Muhammad Abdul Mumin, C.I.E., M.L.C.
7. Maulvi Tamizuddin Khan, M.L.C.
8. Mr. H. S. Suhrawardy, M.L.C.
9. Mr. C. G. Cooper, M.L.C.
10. Mr. E. T. McCluskie, M.L.C.
11. Mr. Mukunda Bihari Malik, M.L.C.
12. Mrs. P. K. Bose, M.B.E.
13. Mr. K. C. Roy Chaudhuri, M.L.C.
14. Mr. G. P. Hogg, C.I.E., I.C.S.
15. Mr. H. J. Twynam, C.I.E., I.C.S.
16. Mr. R. N. Gilchrist, C.I.E., I.E.S.

*The United Provinces.*

1. The Hon'ble Mr. J. M. Clay, C.S.I., C.I.E., O.B.E., I.C.S. (President).
2. The Hon'ble Kunwar Sir Maharaj Singh, Kt., C.I.E., M.A.
3. The Hon'ble Nawab Sir Muhammad Yusuf, Kt., Bar.-at-Law., M.L.C.
4. The Hon'ble Sir Jwala P. Srivastava, Kt., M.Sc., A.M.S.T., M.L.C.
5. Nawabzada Mohammad Liaqat Ali Khan, M.A., Bar.-at-Law, M.L.C.
6. Rai Bahadur B. Vikramajit Singh, B.A., LL.B., M.L.C.
7. Khan Bahadur Hafiz Hidayat Husain, B.A., C.I.E., Bar.-at-Law, M.L.C.
8. Raja Jagannath Bakhsh Singh, M.L.C.
9. Lala Shyam Lal, M.L.C.
10. Raja Syed Mohammad Mehdi of Pirpur, M.L.C.
11. Raja Bahadur Kushalpal Singh, M.A., LL.B., M.L.C.
12. Raja Bisheshwar Dayal Seth, B.Sc., F.C.S., M.L.C.
13. Khan Bahadur Maulvi Fasih-uddin, M.L.C.
14. Pandit Prem Ballabh Belwal, M.L.C.

10. Mr. V. D. Kolte, M.L.C.
11. Khan Bahadur Syed Hifazat Ali, M.L.C.
12. Mr. R. A. Kanitkar, M.L.C.
13. Dr. P. S. Deshmukh, M.L.C.
14. Mr. M. P. Kolhe, M.L.C.
15. Mr. Syed Mobinur Rahman, M.L.C.
16. Mr. C. B. Parakh, M.L.C.
17. Mr. N. J. Roughton, C.I.E., I.C.S.
18. Mr. C. R. Hemeon, I.C.S.
19. Mr. C. D. Deshmukh, I.C.S.
20. Mr. S. H. Y. Oulsnam, I.C.S. (Secretary).

*Assam.*

1. Mr. E. S. Roffey, C.I.E.
2. Rai Sahib Pyari Mohan Das, M.L.C.
3. Khan Sahib Mahmud Ali, M.L.C.
4. Maulavi Munawarali, M.L.C.
5. Babu Gopendra Lal Das Chaudhuri, M.L.C.
6. Srijut Rohini Kumar Chaudhuri, M.L.C.
7. Rai Bahadur Brindaban Chandra Goswami, M.L.C.
8. Srijut Mahendra Nath Gohain, M.L.C.
9. Khan Bahadur Nuruddin Ahmed, M.L.C.
10. Rai Sahib Sonadhar Das Senapati.
11. Mrs. A. Z. Rahman.

*The North-West Frontier Province.*

1. The Hon'ble Lieutenant-Colonel Nawab Sir Muhammad Akbar Khan, Khan of Hoti.
2. The Hon'ble Khan Bahadur Nawab Sahibzada Sir Abdul Qaiyum, K.C.I.E., M.L.C.
3. The Hon'ble Khan Bahadur Abdul Ghafur Khan, Khan of Zaida, M.L.C.
4. Lieutenant-Colonel Sir Hissamuddin Khan, C.I.E.
5. Mr. Muhammad Yunis Khan, M.A., LL.B.
6. Rai Sahib Mehr Chand Khanna, B.A., M.L.C.
7. Sardar Raja Singh, M.A., LL.B.
8. Mr. Malikur-Rahman, Kayani, M.L.C.
9. Khan Sadullah Khan, B.A., LL.B.
10. Mr. Muhammad Jan Khan, Bar -at-Law.
11. Nawab Zafar Khan.
12. Khan Bahadur Abdur Rahim Khan, M.L.C.
13. Nawabzada Muhammad Nasrullah Khan, M.L.C.
14. Mr. Muhammad Aurangzeb Khan.
15. Major Nawab Ahmad Nawaz Khan, M.L.A.
16. Mr. Ghulam Rabbani Khan, B.A., M.L.C.
17. Khan Bahadur Muhammad Zaman Khan, M.L.C.

*Orissa.*

1. E. S. Hoernle, Esq., I.C.S. 'Chairman'.
2. A. F. W. Dixon, Esq., I.C.S.
3. Raja Sri Sri Sri Krishna Chandra Gajapathi Narayan Deo, of Parlakimodi, M.L.C.
4. Raja Sir Rajendra Narayan Bhanga Deo Bahadur, Kt., O.B.E., of Kanika.
5. Rai Bahadur Lakshmidhitar Mahanti, M.L.C.
6. Rev. Brajananda Das, M.L.C.
7. Rai Bahadur Loknath Misra, M.L.C.
8. Babu Brajamohan Panda, M.L.C.
9. Mrs. S. Das.
10. Rao Bahadur T. Pattabhiramayya Pantalu Garu.
11. Babu Radharanjan Das, M.L.C.
12. Sriman Niranjan Patnaik.
13. Babu Jagannath Das, M.A., M.L.C.

## APPENDIX III.

List of witnesses examined orally in public session by the Indian Delimitation Committee.

## Punjab witnesses.

SIMLA, October 3, 1935.

1. Mr. M. A. Ghani, M.L.C. .. .. ..	Punjab Labour Board.
2. Mr. M. A. Khan .. .. ..	Central Labour Federation, Punjab.
3. Rao Bahadur Chaudhri Chhotu Ram, B.A., LL.B., M.L.C.	
4. Kanwar Mamraj Singh Chohan, B.A., LL.B., M.L.C.	
5. Pandit Nanak Chand, M.A., M.L.C.	
6. Lala Brij Lall, B.A., LL.B. .. .. ..	Hindu Rights Protection Board.

October 4, 1935.

7. Mr. K. L. Rallia Ram, President, Indian Christian Conference.	Punjab Indian Christian Association.
8. Babu Hans Raj .. .. ..	
9. Mr. Lachman Das .. .. ..	
10. Mr. Modhan Singh, Secretary, Balmik Mandir, Simla.	
11. Mr. Bakshi Ram, President, Untouchable Association, Jullundur City.	Scheduled castes.
12. Mr. Chamba Ram, Vice-President, Punjab Balmik Ad-Dharam Mandir.	
13. Babu Mangu Ram .. .. ..	Punjab Ad-Dharam (Depressed Classes) Federation, Jullundur City.
14. Mr. Hazara Ram .. .. ..	
15. Seth Kishen Das .. .. ..	Punjab Provincial Depressed Classes Association, Lahore.
16. Mr. Sukh Lal .. .. ..	
17. Mr. Swatam Das .. .. ..	
18. Mr. Ishar Das, B.A., LL.B. .. .. ..	
19. Rai Bahadur P. Mukerjee, M.L.C. .. .. ..	Punjab Chamber of Commerce and Northern India Chamber of Commerce.
20. Rai Bahadur Lala Binda Saran .. .. ..	
21. Mr. J. C. F. Davidson .. .. ..	
22. Mr. U. N. Son, C.B.E. .. .. ..	
23. Mr. H. J. Martin .. .. ..	
24. Mr. T. K. Santanam .. .. ..	
25. Lt. Sardar P. S. Sodhbans .. .. ..	
26. Rai Bahadur Lala Mukand Lal Puri, M.A., M.L.C. .. .. ..	Indian Chamber of Commerce.
27. Shrimati Lekhwati Jain, M.L.C. .. .. ..	Women.
28. Dr. Khalifa Shuja-i-Din, B.A., LL.B. .. .. ..	Anjuman-i-Islamia, Punjab.

October 5, 1935.

29. Sardar Sampuran Singh, M.L.C. .. .. ..	Sikh community.
30. Rai Bahadur Sardar Basakba Singh .. .. ..	
31. Mr. A. G. Clow, C.S.I., C.I.E., I.C.S. .. .. ..	Secretary, Government of India, Department of Industries and Labour.
32. Mr. R. J. S. Dodd I.C.S. .. .. ..	Reforms Commissioner, Punjab.

Witnesses from the United Provinces—*concl'd.*

79. Rai Bahadur Rai Indra Narain Sahib .. .. }  
 80. Munshi Gajadhar Prasad Sahib, M.A., LL.B., M.L.C. } Agra Province Zamindars' Association.  
 81. Rao Maharaj Singh Sahib of Kasganj .. .. }  
 82. Raja Muhammad Amir Ahmad Khan Sahib, Khan Bahadur, of Mahmudabad. }  
 83. Raja Saiyid Muhammad Mohdi Sahib, M.L.C., of Pirpur. }  
 84. Rai Bahadur Raja Bisheshwar Dayal Seth Sahib, B.Sc., F.C.S., M.L.C., of Moizuddinpur. } British Indian Association.  
 85. Rai Rajeshwar Bali Sahib, B.A., O.B.E., M.L.C., of Daryabad. } Oudh.  
 86. Sheikh Muhammad Habib-Ullah Sahib, O.B.E., M.L.C., of Saidanpur. }  
 87. Rai Krishnapal Singh Sahib of Birapur .. .. }  
 88. Sheikh Mubashir Husain Qidwai Sahib .. .. }  
 89. Khan Bahadur Munshi Siddique Ahmad .. .. }  
 90. Kunwarni Lady Maharaj Singh .. .. Women.

## Witnesses from Bihar and Orissa.

RANCHI, October 19, 1935.

91. Rev. B. Das, M.L.C. .. .. .. }  
 92. Babu Ram, Narayan, B.A., M.L.C. .. .. .. } Scheduled castes.  
 93. Babu Jagjiwan Ram, President, Bihar Provincial Depressed Classes League, Patna. }  
 94. Mr. V. R. Kalappa, Vice-President, Metal Workers' Union, Jamshedpur. }  
 95. Mr. W. V. R. Naidu, General Secretary, Metal Workers' Union, Jamshedpur. }  
 96. Mr. N. Rama Rao, Assistant Secretary and Treasurer, Metal Workers' Union, Jamshedpur. } Labour.  
 97. Mr. K. N. Bhattacharyya, M.A., B.L., President, Indian Miners' Association, Jharia. }  
 98. Mr. P. C. Bose, Secretary, Indian Miners' Association, Jharia. }  
 99. Babu Chandreshwar Prashad Narayan Singh, C.I.E., M.L.C. }  
 100. Rai Bahadur Shyamnandan Sahay, M.L.C. }  
 101. Babu Rameshwar Prashad Singh, M.L.C. }  
 102. Maulvi Saiyid Hassan. }  
 103. Mr. S. K. Roy, M.A. .. .. .. } Bihar and Orissa Christian Council.  
 104. Mr. Dhan Masih Panna, B.A. .. .. .. }  
 105. Mr. Boniface Lakra, M.A., B.L. .. .. .. } Chota Nagpur Catholic Sabha.  
 106. Mr. Ignas Bek .. .. .. .. }  
 107. Mrs. S. Lall .. .. .. .. } Women.  
 108. Mrs. S. Das, B.A. .. .. .. .. }  
 109. Mrs. H. D. Chatterji .. .. .. .. }  
 110. Maulvi Abdul Hamid, B.A. .. .. .. .. } Muslim Chamber of Commerce.  
 111. Maulvi Shah Maswood Ahmed .. .. .. .. }  
 112. Mr. H. B. Chandra, B. Com. (Bom.) .. .. .. .. } Bihar and Orissa Chamber of Commerce.

## Assam witnesses.

SHILLONG, October 28, 1935.

113. Sir Syed Muhammad Saadulla, M.A., B.L., Leader of the Assam Valley Muslim League Deputation. Assam Valley and Upper Assam Muslims.

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147. Srijut Harendra Nath Barua, B.A., Gauhati }  
 148. Srijut Someswar Choudhary, Member, } Labour.  
     Municipal Board, Gauhati.  
 149. Mr. Bodon P. Marak, Baghmara .. .. } Garo Hills.  
 150. Mr. Benjamin Momin, Tura .. .. }

October 30, 1935.

151. Maulvi Azizur Rahman, B.A., LL.B.	..	Muslim Fishermen community of Sylhet District.
152. Mr. Mohamed Wajidullah	..	
153. Mr. Mohammed Khalilur Rahman	..	
154. Mr. Mohamed Waris	..	
155. Haji Mohammed Abdul Bari	..	
156. Rev. J. J. M. Nichols-Roy, M.A., M.L.C.	..	Khasi and Jaintia Hills.
157. Rai Bahadur Kali Charan Sen, Gauhati	..	
158. Rai Bahadur Mohendra Nath Lahiri, Gauhati	..	Assam Domiciled Peoples and Settlers Association.
159. Rai Sahib Ratneswar Das Gupta, Mangaldai	..	
160. Rai Bahadur Joban Ram Goenka, Shillong	..	
161. Mr. Ram Sarup Singh, Gauhati	..	
162. Mr. F. W. Hockenhull, M.L.A.	..	
163. Rai Sahib Tansukh Rai Sarawgi, Gauhati	..	Labour and Tea Industry.
164. Mr. Kedarmal Brahmin, Advocate, Gauhati	..	
165. Mr. Jwala Prasad Agarwalla, Gauhati	..	Marwari Association.
166. Mr. Ram Kumar Himmatsinghka, Gauhati	..	
167. Mr. Ram Narayan Agarwalla, Gauhati	..	
168. Mr. Balchand Sarawgi, Gauhati	..	
169. Mr. Kamakhya Prasad Bajoriya, Shillong	..	

Bengal witnesses.

CALCUTTA. November 16, 1935.

170. Mr. D. P. Khaitan .. .. ..	} Indian Chamber of Commerce.
171. Mr. A. L. Ojha .. .. ..	
172. Mr. M. P. Gandhi .. .. ..	
173. Sir Abdul Halim Ghuznavi, Kt., M.L.A.	
174. Mirza Abol Hasan Ispahani, M.A., LL.B. (Cantab).	} Moslem Chamber of Commerce.

November 18, 1935.

175. Mr. N. R. Sarkar .. ..	Bengal National Chamber of Commerce.
176. Sir Hari Sankar Paul, Kt., M.L.C. .. ..	
177. Mr. D. N. Sen .. ..	
178. Mr. S. C. Sen .. ..	
179. Mr. M. N. Mookharji, M.L.C. .. ..	Indian Mining Federa- tion.
180. Babu Amulyadhone Ray, B.L., M.L.C. .. ..	
181. Babu Aprakash Gayen .. ..	
182. Mrs. Shamsun Nahar Mahmud, Secretary, All Bengal Muslim Ladies Association .. ..	
183. Mrs. N. C. Sen .. ..	All India Women's Conference.
184. Mrs. P. K. Bose, M.B.E. .. ..	
185. Mr. K. C. Roy Chaudhury, M.L.C. .. ..	
186. Mr. Aftab Ali .. ..	
187. Mr. S. C. Sen, B.L. .. ..	Bengal Trade Unions Federation.
188. Mr. Faiz Ahmad, B.L., Bengal Mariners' Union. .. ..	
189. Mr. A. Zaman .. ..	

November 19, 1935.

190. Mr. F. W. Hockenhull, Indian Tea Association. Tea Tea Industry (Assam Tea Gardens).

Madras witnesses—*contd.*

228. Mrs. Mona Hensman, B.A., Hons. (London), Women.  
 Vice-President, World's Executive of Y. W.  
 C. A.

November 28, 1935.

229. Sir William Wright, Kt., O.B.E. .. .. Madras Chamber of Commerce.

230. Mr. Basheer Ahmed Sayeed, M.A., B.L., M.L.C. }  
 231. Mr. B. Pocker Sahib Bahadur, B.A., B.L., M.L.C. } Muhammadans.

232. Mr. V. Venkateswara Sastrulu .. .. Andhra Chamber of Commerce.

## Nagpur witnesses.

NAGPUR, December 3, 1935.

233. Mr. S. B. Tambe .. ..

234. Mr. R. A. Kanitkar, M.A., LL.B., M.L.C. Buldana (Berar).

235. Mr. S. K. Qazi, Izardar, Yeotmal ..

236. Rao Bahadur K. W. Brahma, B.A., LL.B., C.I.E., M.B.E., Amraoti.

237. Mr. M. S. Aney, B.A., LL.B., M.L.A., Yeotmal.

238. Dr. Sir Hari Singh Gour, Kt. M.A., D.C.L. (Oxon.), LL.B. (Cantab.), D. Litt.

239. Mr. S. C. Dube, Hoshangabad ..

240. The Honourable Mr. V. V. Kalikar, B.A. LL.B., Nagpur.

241. Rai Bahadur Dadu Dawarka Nath Singh, M.L.C., Sconi.

242. Mr. Samiullah Khan, B.A., LL.B. ..

243. Rai Sahib Lala Jai Narain, M.L.C. ..

244. Mr. D. T. Mangalmoorti, B.A., LL.B., M.L.C.

245. Mr. Rangshah Bapu, Zamindar of Palasgarh, Chanda District.

Deputation of the Berar All-Parties Committee.

Central Provinces' Deputation.

Labour.

Scheduled castes.

December 4, 1935.

246. Rao Sahib R. W. Fulay, M.A., LL.B., M.L.C.

247. Mr. Moti Ram Bansi Maher .. ..

248. Mr. Nathu Upasia Fuljhalo .. ..

249. Mr. Jeolang Moti Ram .. ..

250. Mr. G. A. Gavai, M.L.C., All-India Depressed Classes Association, Amraoti.

251. Mr. D. K. Bhagat, Depressed Classes Federation; President, Central Provinces and Berar Matang Society.

## Bombay witnesses.

BOMBAY, December 9, 1935.

252. Sir John Abercrombie, Kt. .. ..

253. Mr. W. G. Lely .. ..

254. Mr. L. A. Stronach .. ..

255. Mr. Manu Subedar .. ..

256. Mr. L. R. Tairsee, M.L.C. .. ..

257. Mr. J. K. Mehta, M.A. .. ..

258. Mr. A. M. Sheikh .. ..

259. Diwan Bahadur A. Ramaswami Mudaliyar.

260. Lady Ramabai Pradhan .. ..

Bombay Chamber of Commerce.

Bombay Presidency Trades Association.

Indian Merchants' Chamber.

Muslim Political Association, Surat District.

Women.

Karachi witnesses—*contd.*

297. Seth Udhavdas Thunwerdas .. .	Distribution of seats.
298. Mr. S. S. Tolani, M.L.C. .. .	
299. Mukhi Gobindram Pritamdas, President, Sind Hindu Sabha.	
300. Mr. Jamshed Nusserwanji Mehta .. .	Labour.
301. Mr. Naraindas Anandji Bechar .. .	
302. Shaikh Abdul Majid Lilaram, M.L.C. .. .	Karachi City Muhammadan seats.
303. Mr. Mahomed Hashim Gazdar, M.L.C. .. .	

Single *versus* plural member Constituencies.

Peshawar witnesses.

PESHAWAR, December 21, 1935.

304. Mr. Peer Bukhsh Khan, M.A., LL.B., M.L.C. .. .	Peshawar City.
305. Khanzada Ghulam Ahmad .. .	Kohat.
306. Khan Sahib Ghazi Mir Jan Khan .. .	Wazir tribes.
307. Khan Sahib Sher Jan Khan .. .	
308. Mr. Ghulam Jilani Khan .. .	
309. Mr. Muhammad Sarwar Khan, Tarkheli .. .	Haripur tahsil.
310. Miss Rafi, Head Mistress, Government Normal School for Women, Peshawar. .. .	Women.
311. Khan Bahadur Malik Muhammad Amin Khan, O.B.E., M.L.C., of Shamsabad. .. .	Attock.
312. Major Sardar Muhammad Nawaz Khan, Sardar of Kot Fatch Khan. .. .	
313. Sardar Dost Muhammad Khan, I.O.M., O.B.E., Thatta. .. .	
314. Sardar Mumtaz Ali Khan, Campbellpur. .. .	
315. Pir Syed Lal Badshah, Sajjadanashin, Makhad. .. .	
316. Khan Bahadur Malik Muhammad Khan, Zaildar Jamman. .. .	
317. Malik Sher Muhammad Khan .. .	
318. Sardar Ahmad Buksh Khan .. .	

Delhi witnesses.

NEW DELHI, December 30, 1935.

319. Lala Padampat Singhania .. .	Federation of Indian Chambers of Commerce and Industry.
320. Mr. D. G. Mulherkar .. .	
321. Mr. A. G. Clow, C.S.I., C.I.E., I.C.S. .. .	Secretary to the Government of India, Department of Industries and Labour.
322. The Hon'ble Mr. T. A. Stewart, C.S.I., I.C.S. .. .	
323. Mr. T. Chapman Mortimer, M.L.A. .. .	

Secretary to the Government of India, Department of Commerce.

January 2, 1936.

324. Mr. I. H. Blackwell, M.C., M.L.A. .. .	Associated Chambers of Commerce of India.
325. Mr. B. Shiva Rao, M.A. .. .	
326. Mr. N. M. Joshi, M.L.A., J.P. .. .	
327. Mr. Syed Munawar, M.L.C., J.P. .. .	
328. Mr. M. S. Kotiswaram, B.A., B.T. .. .	National Trades Union Federation.
329. Mr. H. A. Antrobus .. .	
330. Mr. J. S. Graham .. .	
331. Mr. J. A. Milligan, M.L.A. .. .	Indian Tea Association, Calcutta.

January 9, 1936.

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## ZAMINDARS—

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NOTE.—Except where otherwise indicated, all references in the index relate to Provincial Legislative Assemblies.

now been in existence for 75 years, while the Agra Zamindars' Association came into existence only 11 years ago and has still to prove itself; the fact that the number of seats allotted to them by the Southborough Committee has already been reduced by one from five to four; the well-known and lavish contributions of the taluqdars of Oudh to every type of progressive good work in the province, and finally the fact that while their numbers may be smaller, and the number of districts over which they are spread less, they represent an infinitely more important consolidated body of opinion and of tradition than the Agra Zamindars.

There are admittedly at least 111 zamindars in the province of Agra paying a land revenue of Rs. 5,000 and upwards who are not members of the Agra Zamindars' Association, and the claim of that association to the two landholders seats at present allotted to Agra is challenged by a rival association known as the Muzaffarnagar Zamindars' Association, which claims to have a number of zamindari members scattered throughout the Agra province. The British Indian Association, on the other hand, are unquestionably representative of all taluqdars without exception. Every taluqdar is automatically a member of the British Indian Association, even if in certain cases the amount of land revenue which he pays falls below the figure of Rs. 5,000 per annum. He cannot cease to be a member of that association so long as he holds his taluq, and his membership of it and the existence of the association itself, is statutorily recognized. The Agra Association has also recently been accorded statutory recognition. But it is admittedly in its early stages, its membership is fluid (for a member can in certain circumstances resign on giving a year's notice), and the general level of wealth of its members is hardly comparable with that of the taluqdars of Oudh. The taluqdars, in these circumstances, strongly urged upon us that in view of the fact that the field from which members of the Agra Association may be recruited is being constantly circumscribed owing to the continual subdivision of estates and the consequent reduction in the land revenue payable each year, there is a real risk that in a relatively short period of time a large number of members of that Association will cease to qualify for membership of the Association, or will qualify in respect of holdings the land revenue of which is very small indeed.

*Original recommendation of the local Government.*

402. The recommendation originally put forward to us by the local Government, with the concurrence of their Provincial Advisory Conference (of which, however, no taluqdar was a member and the proceedings of which were confidential) was that out of the six seats, three should be allotted to the taluqdars of Oudh and three to the Zamindars' Association of Agra. The publication of this recommendation, which had been formulated, as we understand, without any consultation with or notification to the taluqdars, produced a strong remonstrance from the members of the British Indian Association, supported by elaborate documentary evidence designed to show that their claims to retain as a minimum the number of seats which they enjoy under the present constitution were incontestable.

revenue between Rs. 5,000 and Rs. 10,000 is no fewer than 421, as compared with 244 in the case of the British Indian Association.

*Our recommendations.*

407. As stated above, this very difficult question has received our closest attention. We have discussed it with witnesses representing both parties, and, at great length, with the local Government, and we have had the advantage of hearing both sides, both orally and on paper, in detail. Leaving aside for the moment the arguments advanced by the taluqdars and briefly summarised in paragraph 401 above—arguments which indubitably must carry very great weight—we are impressed by the general difference in the composition of these two associations. There is some dispute as to the relative strength of either, but it appears probable that the Zamindars' Association has a total membership of about 600 who pay a land revenue of Rs. 5,000 per annum or over, and the British Indian Association (omitting 38 members who were stated to pay a land revenue of less than Rs. 5,000) a membership of about 379.

Were we to apply the standards ordinarily applied to constituencies reserved for landholders, the members of either of these bodies would have a substantial claim to inclusion in the electorate. We are nevertheless of opinion that, in the case of the United Provinces, the general criterion of being a great landlord must, given the very great wealth, the importance, and the large numbers, of the persons concerned, be somewhat different from that in other provinces. We have in these circumstances reached the conclusion, on a full examination of the case as a whole, that justice will be done if the taluqdars retain as at present the four seats allotted to them, and if the remaining two seats are assigned to the Agra Zamindars' Association. We consider however that the electorate in both associations should in future be confined to persons paying a land revenue of not less than Rs. 10,000 per annum. The effect will be to confine the electorate for all the seats now under consideration to the great territorial landlords who were alone in view when these seats were created, and when their retention was under consideration, and who hold a substantial stake, and occupy a position in the province without parallel elsewhere. The risk that in the subdivision of estates the electors in the Agra Zamindars' constituency will in many cases after a lapse of years either cease to possess the necessary financial qualification, or possess only the minimum financial qualification, will be greatly reduced by fixing the franchise limit at Rs. 10,000 as we propose: while the operation of that limit will ensure that the electorates for the British Indian and the Agra seats are composed substantially of individuals of the same general standing.

*Method of election.*

408. There is general agreement that election should be through associations, and we accept the view that the taluqdari seats should be filled by the British Indian Association as at present, and that the seats assigned to Agra should be filled by the Agra Zamindars' Association.

Agra zamindars in their respective provinces, should be the deciding factor. Their opinion at that stage inclined to the view that the really important point was numbers. The suggestion was made to the Agra Zamindars' Association, which had a membership in the general neighbourhood of 550, that they should reduce the qualifying figure for membership of their association from Rs. 5,000 to Rs. 2,500 land revenue per annum—a suggestion which the association appears at that time to have been ready to accept—and so increase their membership to some thousands. And it was on the assumption that if the land revenue qualification was so lowered the strength of the Agra Zamindars' Association would probably approach something in the neighbourhood of 2,000, as against some 379 members of the Taluqdars' Association (the membership of which, owing to its constitution, did not admit of any increase and was not affected by the amount of land revenue paid by an individual), that the local Government expressed the view that considering the very much larger membership of the Agra Zamindars' Association, it would be reasonable that three seats instead of two should be allotted to them. That expression of opinion, which had not been withdrawn, although no action had been taken on it, was still on record when the time of the delimitation of constituencies approached, and on the matter being considered by the Provincial Advisory Conference, on which, while the Agra zamindars were represented, there was no representative of the taluqdars of Oudh, they recommended that the seats should be divided in equal proportions. The local Government accepted their recommendation.

406. In the light of the representations received from the taluqdars of Oudh consequent on the publication of the provincial delimitation proposals, the local Government felt on further consideration that the question was one of such complexity and such difficulty, and one raising such serious issues in the United Provinces, that a general review of it was called for. As a result of that review, they reached the conclusion by a majority that the criterion must be quality and not numbers, that the historic standing, the great wealth and the special position of the taluqdars in relation to Oudh justified the allocation to them of four seats, and that having regard to the undesirability of disturbing the *status quo* unless a decisive case had been established for departing from it, to the still somewhat experimental character of the Agra Zamindars' Association, the lower level of wealth of its members, the very recent date of its establishment and the challenge to its position advanced by another association of zamindars in the Agra province, the allocation of two seats to them would meet the claims of justice. From one representation supplied to us, it would appear that of the members of the British Indian Association, no fewer than 23 pay Rs. 1 lakh land revenue or over as against 8 in the Zamindars' Association. There are 27 who pay land revenue between Rs. 50,000 and Rs. 1 lakh as against 17 in the Agra Association; there are 18 who pay land revenue between Rs. 40,000 and Rs. 50,000 as against 11; 20 who pay land revenue between Rs. 20,000 and Rs. 30,000 as against 28; and 22 who pay land revenue between Rs. 10,000 and Rs. 20,000 as against 54. The number of persons, on the other hand, who belong to the Agra Zamindars' Association and pay land

*Qualifications of electors.*

413. The existing qualification for a voter in the constituencies other than that reserved for Tumandars is being the owner of land assessed to land revenue of not less than Rs. 500 per annum, or an assignee of land revenue amounting to not less than Rs. 500 per annum, and being on the electoral roll of the constituency, all four constituencies being regarded as one for this purpose. The local Government recommend that this should be retained; and we accept their recommendation.

## BIHAR.

*Distribution of seats: Our recommendation.*

414. Four seats are reserved for representatives of the great land-holders in Bihar. Under the existing constitution, one of these seats is allotted to each of the four Commissioners' divisions in Patna, Tirhut, Bhagalpur and Chota Nagpur. The local Government recommend that this arrangement should be continued and we accept their view.

*Qualifications of electors: Our recommendation.*

415. The existing qualification for electors in the landholders' constituency is assessment in the case of the Chota Nagpur Division to land revenue of Rs. 6,000 per annum, or to local cess of not less than Rs. 500 per annum, and in the case of the remaining three Divisions to land-revenue of Rs. 4,000, or local cess of not less than Rs. 1,000. The local Government consider that these qualifications have worked well and recommend their retention. But they propose that in future tenure holders as well as proprietors should be included in the electoral roll instead of proprietors only as at present. We accept their recommendation.

## THE CENTRAL PROVINCES.

*The present arrangement.*

416. Three seats are allotted to landholders in the Central Provinces and Berar. The existing franchise qualification for those seats, one of which falls to Berar and two to the Central Provinces, is in the case of the Central Provinces constituencies the holding of agricultural land in proprietary right, the holding of a hereditary title recognised by Government, the ownership of certain classes of estate, and the holding in proprietary right of land assessed to a land revenue or kamiljama of not less than Rs. 3,000 per annum. The qualifications for the Berar seat are the holding of a hereditary title recognised by the Government, and the holding, in other than tenancy right, of land assessable to an amount of land revenue which is in some cases Rs. 500 per annum and in others Rs. 1,000.

*Proposals of local Government and our recommendation.*

417. The local Government recommend that the existing franchise qualification should be retained. The Provincial Committee, by a majority, share their view. We regard it as important that the seats set

*Qualifications of electors.*

409. The qualifications of electors will be membership in the one case of the British Indian Association, and in the other of the Agra Zamindars' Association, and assessment to a land revenue of not less than Rs. 10,000 per annum.

## THE PUNJAB.

*Distribution of the seats.*

410. Under the present constitution four seats are allotted to landholders in the Punjab Provincial Legislative Council, one of which has to be filled by a Tumandar. The Indian Franchise Committee recommended the retention of the existing landholders' seats in this, as in other provinces. His Majesty's Government, however, in the Communal Award decided to allot five seats to landholders in the Punjab, and they indicated in the footnote to the award that of these five seats one would be reserved for a Tumandar and that the remaining four seats would be filled from special constituencies with joint electorates. They remarked that it was probable from the distribution of the electorate that the members returned would be one Hindu, one Sikh and two Muhammadans.

*The Tumandars constituency.*

411. No difficulty arises about the seat allotted to the Tumandars since the electorate is in effect prescribed by paragraph 4 of Schedule V of the Government of India Act, which lays down that in the Punjab one seat shall be filled by a Tumandar. The electors in this constituency will be such persons as are recognised by Government as Tumandars, or as may be performing the duties of a Tumandar with the sanction of Government.

*Proposals of the local Government.*

412. The proposals submitted to us by the local Government for the filling of the remaining four seats allotted to landholders will, we are informed, be likely, as anticipated in the Communal Award, to result in the return of one Hindu, one Sikh and two Muhammadan members, election being in joint electorates. The detailed allocation of these seats proposed by the local Government is as follows:—

- (i) The Ambala division and the districts of Kangra, Hoshiarpur, Jullundur and Gurdaspur;
- (ii) The districts of Lahore, Amritsar, Sialkot, Sheikhpura, Ferozepur and Ludhiana;
- (iii) The Rawalpindi Division and the districts of Gujranwala and Jhang;
- (iv) The districts of Montgomery, Lyallpur, Multan, Muzaffargarh and Dera Ghazi Khan.

We regard the constituencies proposed by the local Government as suitable and we recommend them for adoption.

included in the electorate. So far as we can judge, the proposals of the local Government are generally suitable and we recommend them for adoption.

#### SIND.

##### *The distribution of the seats.*

420. There are two seats set aside for landholders in Sind. Of these seats, one is claimed by the Sind Jagirdars, but their claim was not supported by the Provincial Committee, which did not consider that it was justified by their relative number and importance. The Committee in these circumstances recommended, and the local Government agreed, that the two seats should be allotted to two constituencies representing Lower Sind and Upper Sind respectively. This recommendation was not, however, unanimous, and one member of the Committee asked that in substitution for the two constituencies a single dual member constituency should be formed, on the ground that it was only in this way that the Jagirdars would have an opportunity of securing representation, or that a Hindu or Parsee could be elected by the combined vote of non-Muslims.

##### *Our recommendation.*

421. We investigated this subject in some detail in the course of our visit to Karachi, and, apart from discussion with the Provincial Committee and the local Government, we heard witnesses regarding it. We are of opinion, in the light of the evidence tendered to us, that the right course is to create one dual member constituency to cover the whole of Sind, and we recommend this course for adoption. Our recommendation is based not only on the views of the Hindu minority in the Provincial Committee, but also on the grounds urged by Muhammadan witnesses (one of whom was a member of the Bombay Government for over thirteen years) who were emphatic in their protest against single-member constituencies, on the ground that their adoption would deprive the Jagirdars of any chance of representation, and that this would be injurious to their interests, as they have a large stake in the province, and their interests are in conflict with those of the Zemindars.

The qualification of electors in the constituencies is at present liability to payment of land revenue of not less than Rs. 1,000 per annum. The local Government propose to retain this qualification, and we accept their view.

aside for the representation of landholders should be filled by representatives of landholders of definite standing in the country, and we are of opinion that if this end is to be attained it would be unwise to reduce the existing franchise qualification. We have considered representations addressed to us by the Central Provinces Zamindars' Association in which they ask that a seat should be reserved for them, but in the light of discussion with the local Government we do not consider that their case has been established. In these circumstances we accept the view of the local Government; and we recommend in agreement with them that, as at present, one of the seats should be allotted to Berar and two to the Central Provinces.

#### NORTH-WEST FRONTIER PROVINCE.

##### *Proposals of the local Government.*

418. Two seats are reserved for landholders in the North-West Frontier Province. Under the existing constitution one of these seats is allotted to the landholders of Peshawar district, the other to the landholders of the districts of Hazara, Kohat, Bannu and Dera Ismail Khan. The local Government, in agreement with their Provincial Franchise Committee, unanimously recommended the retention of these constituencies and we accept their view.

The existing franchise qualification in these constituencies is substantially liability to payment of land revenue of not less than Rs. 250 per annum, or being the recipient of a *muajib, inam, barat* or pension sanctioned by orders passed in settlement operations. The local Government do not recommend any change in these qualifications and we agree that they may be retained.

#### ORISSA.

##### *Proposals of the local Government.*

419. Two seats are allotted to the great landholders in Orissa. The local Government recommend that one of these seats should be assigned to the district of Cuttack, including the Angul sub-division, together with the district of Balasore. They would assign the second seat to the districts of Puri, Sambalpur (including the area to be transferred to this district from the Central Provinces), and the Khondmals sub-division, with the addition of the area to be transferred from Madras to the new province of Orissa. The effect is to give one seat to the landholders of the northern part of the province, and the other to the landholders of the southern part of the province. We regard these proposals as suitable.

The qualification recommended by the local Government, in agreement with their Provincial Franchise Committee, for electors is land revenue of Rs. 3,000 per annum, or liability to road or public works cess of not less than Rs. 500 per annum. In addition tenure holders or sub-proprietors who pay a cess of not less than Rs. 500 per annum will be

well worth quoting : " We are satisfied that the method of representation through Associations has worked fairly satisfactorily in the past and we recommend that it should be continued in the future ". In the Government of India Act, while it is expressly enacted that, so far as the Federal Legislative Assembly is concerned, the representation should be through Associations, it is noteworthy that there is no similar peremptory provision as regards provincial Assemblies. It has, however, been our endeavour to recognise wherever possible, well-established chambers of commerce as electoral constituencies. As stated to us by the Madras Provincial Delimitation Committee, " If commercial interests are to be adequately represented in the Legislature, the member for the commerce constituency ought to be in a position to speak with the authority of a representative chamber or association behind him ". The representation of Commerce and Industry, the Indian Franchise Committee observes, is functional representation, and it is with a view to making expert knowledge available in the legislatures, on economic matters of a technical character, that special as opposed to general constituencies have been created. It is only through recognition of Associations, that the return of men of weight, qualified to give expert advice on intricate commercial and industrial questions, can be secured. For an organised body can focus commercial opinion, and a member returned by such a body represents the corporate and the collective view of the commercial community. Moreover, the member that is returned is sent to the legislature, " with a mandate from an authority which remains competent to enforce it ".

But at the same time, it is important to bear in mind that only such associations should be recognised as would, on account of their well-established nature and standing, be in a position to return members possessed of real ability, capable of offering expert advice on important economic and commercial questions. In some provinces, one of our difficulties has been to choose such bodies as satisfy these tests, out of a relatively large number of conflicting and rival associations. Another principle we have borne in mind is, to concentrate in forming a constituency, wherever possible, upon a single well organised association and avoid combining a number of unrelated organisations with divergent and often opposing interests.

425. We shall now briefly set forth where, and to what extent, the local circumstances of particular provinces have compelled us to depart from these principles, to which, in the main, we have adhered.

In the United Provinces there is only one seat available to representatives of Indian Commerce, and two rival chambers have claimed it, each to the exclusion of the other. To negative the claim of either would gravely imperil the interests of the Indian commercial community. In fact, but for a factious spirit, which keeps these two associations apart, it would have been natural and proper for them to amalgamate and claim the seat. The United Provinces Chamber of Commerce takes its stand on its being the older of the two bodies, whereas the Merchant's Chamber, United Provinces, which represents a large capital

## CHAPTER IX.—COMMERCE.

422. The number of seats allotted to commerce and allied interests in the existing provincial Legislatures, excluding Burma, is 47 ; of these, 45 are filled by election, and two by nomination. The number has been raised by the Government of India Act to 56 and the system of nomination has been totally abolished. The following table shows at a glance, the distribution of seats among the various provinces, first under the existing arrangement, and secondly, under the reformed constitution.

Province.		Under the existing arrangement.	Under the reformed constitution.
Madras	..	..	6
Bengal	..	..	15
United Provinces	..	..	3
Assam	..	..	6
Punjab	..	..	2
Central Provinces and Berar	..	..	3
Bihar and Orissa	..	..	*4
Bombay (including Sind)	..	..	*8

4 Bihar.  
1 Orissa.  
7 Bombay.  
2 Sind.

423. A comparison of these figures shows that there has been a reduction in three provinces. First Bombay has been assigned one seat less ; but the reduction is more apparent than real. As against the eight seats which the Bombay Presidency and Sind together enjoy at present, they have been allotted nine seats under the reformed constitution :—Bombay, seven, and the newly constituted province of Sind, two ; there has thus been an increase of one. Secondly, the Punjab has been deprived of one seat, and the reason for it is to be sought in the foot-note at page 97 of the White Paper, which says, “the previously existing Industry Constituency was not retained in the Communal Decision and the franchise for it is accordingly omitted”. Lastly, as regards the Central Provinces and Berar, the Indian Franchise Committee recommended the abolition of the seat reserved for mining, on the ground that there was no active mining interest in the province. The Act has accordingly reduced the number of seats from three to two.

*Method of representation.*

424. One question of paramount importance has, first to be considered. In the Report of the Southborough Committee, it is stated, “the method of representation through Associations has worked well in the past, and should be continued in the future”. The Indian Franchise Committee similarly recognises the importance of organised bodies and makes a recommendation to the same effect. The passage from their Report is

\* Where one seat in each province is at present filled by nomination.

*The composition of the electorate.*

427. We now turn to another question, of equal importance. In cases where the membership of a single chamber, or of one of two or more such chambers, is the basis for admission to the electorate, would it not be desirable to insist, in addition, upon the voter being a person,

- (a) engaged in trade, commerce or industry, and
- (b) possessing a certain minimum financial qualification ?

428. First as regards (a), some associations, it has been brought to our notice, admit as members, men who obviously have no connection with trade, commerce or industry. Their rules seem on purpose designed to include as members, men who have attained distinction in other spheres of life, such as arts and sciences. Indeed, they take pride in the fact, that distinguished scientists and professors, lawyers and landlords, have, by joining them enhanced their prestige. The representation of Commerce, as already stated, being functional in nature, it seems wrong, in principle, that such men should be allowed to take part in choosing a member to represent what is essentially a special interest. In the case of a certain chamber (and this we understand is by no means a solitary exception), a practising lawyer not only had for about fourteen years, the direction of its affairs, first as secretary and later as president, but in the legislature filled the seat assigned to the constituency comprising the chamber in question. If the special electorate is to retain its essential character, it is of great importance to exclude from voting, persons not actively engaged in trade or commerce, or industry.

429. Then, as regards (b), if the character of the electorate is not to be materially altered, it is also necessary to insist upon the possession by the voter, of a certain minimum financial qualification. Where two or more chambers are combined, each of them is interested in inflating its membership, by admitting persons of inferior status and thus upsetting the balance of the constituency. Even where no combination is suggested, if the representation is to serve its purpose, it is necessary to check the entry into the electorate of men of doubtful financial standing or status. As regards the actual qualification to be prescribed, the proposal that has had the greatest measure of support is that,

- (1) in the case of incorporated companies, they should possess a paid up capital of not less than Rs. 1 lakh, and
- (2) in the case of firms or individuals, they should have been, in any one of the five income-tax years immediately preceding the preparation of the electoral roll, assessed to income-tax on an income of not less than Rs. 10,000.

The part of the foregoing rule relating to firms and individuals, has been so framed as not to exclude any person with a substantial trade interest,

and varied interests, can hardly be ignored. We have recommended below that they should be combined to form a single constituency, and the justification for this proposal lies in the fact, that, although in name they are two different bodies, they represent in actual fact almost identical interests, presenting no divergence and no conflict. Indications are not wanting that the effect of our recommendation may be to produce at no distant date a merger of these two associations.

In another province, Sind, the question of combining different associations arose, but the combination there proposed was of half a dozen or more unrelated bodies, with conflicting and dissimilar interests. The only course open to us in such circumstances, was to fix the qualification not with reference to the membership of a chamber, but on the basis of financial stability and standing, such as that indicated *e.g.*, by payment of income-tax.

In three provinces, Assam, the Central Provinces and Berar, and Orissa, owing to the absence of organised associations, we have not been able to recommend the membership of any chamber as an appropriate qualification.

Besides the cases to which we have referred, two further exceptions remain to be noticed. The first relates to our recommendation, in conformity with that made by the Indian Franchise Committee, to amalgamate for the purpose of returning representatives, the two European commercial bodies in Madras, *viz.*, the Madras Chamber of Commerce and the Madras Trades Association. The second exception is of a more important character, relating as it does, to the combination of four different bodies in the Punjab—a measure calculated to reconcile the conflicting claims of Indian and European commerce to the only seat available to the province.

*Basis recommended for commercial representation.*

426. To sum up, subject to the few exceptions mentioned above, we have throughout proceeded upon the footing, as already stated,

First, that the membership of an association should be deemed a more appropriate qualification,

Secondly, that out of a number of competing bodies, such alone should be selected as truly represent substantial commercial interests, and

Thirdly, that we should concentrate on a single authoritative body, wherever possible, and avoid in any event combining unrelated or dissimilar organisations.

chamber and of those affiliated bodies, present great divergence in regard to admission and membership fees, the latter being much lower in the case of the affiliated bodies. It is open to individual members of the affiliated bodies, if they so desire, to become members in their own right of the central chamber. We therefore strongly recommend that no association affiliated to a chamber which forms the whole, or part, of a commercial constituency shall have more than one vote.

*Residential qualification.*

433. Another condition we have prescribed is that an elector shall either reside, or have a place of business, within the province. In the case of a provincial seat, it stands to reason that only such persons as have a stake in the province should be allowed to take part in the returning of a representative. This recommendation, we may note, accords, not only with the opinion of the local Governments that have chosen to express themselves on the point, but also with the view of the South-borough Committee, who reported as follows: "the regulation should contain a provision that the electors have a place of business within the province".

*Companies, firms : representatives.*

434. Our next recommendation relates to the representation where the electors happen to be firms, companies or similar groups of persons. The Indian Franchise Committee observe that "frequent changes in the personnel of partners, directors or managers may result in disenfranchising many firms at the time when an election takes place. It is suggested that the name of the firm should appear on the electoral roll, and that the firm should depute some one to act on its behalf in an electoral capacity". Two important methods of overcoming this difficulty have been suggested. The Bombay Government propose that a person shall be empowered to vote on behalf of a company or firm "if on the date on which the poll is taken, he is entitled to exercise the rights and privileges on behalf of and in the name of such firm or company". This provision is open to two objections. First, the choice of the individual entitled to vote, is postponed to the polling date. How is the polling officer to determine whether the man chosen satisfies the requirements laid down in the rules or not? Then again, if a person desires to challenge the legal competence of the deputy, what possible opportunity has been afforded him? Secondly, the rule is capable of being construed as limiting the field of selection of deputies, as in the case of a firm, to its partners alone, a restriction which in actual working is likely to produce great hardship. Turning to the Bengal Government, the rule they propose is also open to attack. Under that rule (taking the case of a firm), any person may vote on its behalf who is authorised by the firm by "power of attorney or letter of procuration", in other words, the firm may choose to confer the authority in question on any person whatever his standing or status, though ordinarily he is incapable of representing it or acting as its agent. And, what is more important, it follows as a corollary, that such a person, being in the list of voters, becomes automatically qualified to be a candidate.

on the mere ground that his business has in some years been either a losing concern or not yielded a sufficient profit.

In Bihar, the Central Province, Assam, and Orissa, we recommend the financial qualifications described in the Appendices to our Report.

*The income-tax qualification.*

430. The question arises as regards the income-tax qualification, how is the polling officer to ascertain that the voter satisfies the prescribed test? Neither the demand served upon him, nor the receipt granted to him, at present discloses the head or categories of income which have been assessed to the tax. It is therefore necessary, and we accordingly recommend, that a rule should be enacted, that the income-tax authorities if so desired by the assessee should indicate on a receipt granted to him the amount of income derived from trade, commerce, or industry, on which he has been assessed to income-tax.

431. In this connection we must point out that with the internal affairs of a chamber we have no concern, for they are matters which relate purely to domestic administration. Nothing that we recommend, therefore, impairs the integrity of any commercial body whatsoever, it being at perfect liberty to admit to its membership, such persons, whether scientists or politicians, as it chooses. We are concerned only with the formation of commercial electorates—such as will truly reflect organised commercial opinion, free from extraneous influence. We have, therefore provided that, while as regards admission of members, the discretion of a chamber remains uncontrolled or unfettered, for electoral purposes, such members only as fulfil the tests laid down shall be enfranchised.

*Affiliated Associations.*

432. There is yet another matter to which attention must be drawn. In provinces, such as Madras, where, out of a number of bodies clamouring for recognition, we have been constrained to pick out as most suitable, one particular association, the question arises what is to be the position of the excluded bodies? While a few of them already enjoy affiliation to the selected chamber, the interests of trade and commerce demand that no *bona fide* trade association should be refused admission. This we particularly mentioned, for instance, to the Southern India Chamber of Commerce, Madras, which under our recommendation is a commerce constituency. In compliance with our suggestion, this Chamber has undertaken so to alter its Memorandum of Association as to give every opportunity for the affiliation of other *bona fide* commercial organisations.

The affiliated associations *ex hypothesi*, are relatively less important bodies,—possibly, in some cases consisting of retail traders, as distinguished from those engaged in wholesale business; but a single affiliated body may so inflate its membership as to swamp the constituency. It is therefore essential that there should be adequate provision against the flooding of a constituency. In fact, the rules of the parent

## MADRAS.

*Proposals of the local Government.*

439. Six seats have been allotted under the Act to representatives of commerce and allied interests in this province. The present number in the existing council is also six and the distribution is as follows :—

					No. of seats.
European	..	Madras Chamber of Commerce	..	..	2
		Madras Trades Association	..	..	1
		Madras Planters	..	..	1
Indian	..	Southern India Chamber of Commerce	..	..	1
		Nattukkottai Nagarathar's Association	..	..	1

The Indian Franchise Committee, though recognising the diversity of interests between trade and commerce, observe that the Madras Chamber of Commerce and the Madras Trades Association have agreed to combine for the purpose of returning representatives, and recommend the amalgamation of these two bodies, with a view to forming a single constituency. The Government of Madras originally proposed the continuance of the existing electorates subject to this one slight modification.

440. In regard to Indian Commerce, however, the Government's ultimate recommendation was, that along with the South Indian Chamber of Commerce and the Nattukkottai Nagarathar's Association, should be combined a third body known as the Andhra Chamber of Commerce and that the three Associations together should jointly return two members to represent Indian commercial interests.

441. Shortly put, the distribution finally proposed by the Government is as follows :—

					No. of seats.
European	..	The Madras Chamber of Commerce and The Madras Trades Association	..	combined	3
		The Madras Planters		..	1
		The Southern India Chamber of Commerce and The Nattukkottai Nagarathar's Association	..	combined	2
Indian	..	and The Andhra Chamber of Commerce	..	..	2

442. As regards the representation of Indian commerce, there has been a great divergence of opinion. The local Government's final proposal differs from its original suggestion ; as regards the Provincial Delimitation

*Our recommendation.*

435. In making our recommendation, we have steered clear of these two sets of difficulties. Under our proposal,

First, the names of the deputies shall be entered in the electoral roll as representatives entitled to vote. This ensures that the deputies' credentials are beyond question, as it may be presumed, that any challenge, if made, has been disallowed.

Secondly, we have provided that as many as three representatives may be nominated, any one of whom, but not more than one, may be entitled to vote. This mitigates the inconvenience referred to by the Indian Franchise Committee, connected with the "frequent changes in personnel of partners, directors or managers".

Thirdly, we have provided that in the case of a non-member representative, he should be a person authorised to sign the name of the company or the firm as the case may be, in its ordinary course of business. This would effectually shut out outside agents such as solicitors, who, armed with authority for the occasion only, may claim to represent the firm or the company.

*Miscellaneous.**(a) Registering and Returning Officers.*

436. A few minor points remain to be considered :

Where associations have been prescribed as constituencies, the question has been raised whether they should be permitted to conduct their own elections, or the Government should conduct them. We recommend that the Registering and Returning Officers should be Government servants. As the Bombay Government say in a note forwarded to us "if the Committee's suggestion to prescribe additional franchise qualifications with a view to restrict the electorate in these constituencies to certain classes of members is adopted, it appears desirable that the registering and Returning Officers should be Government servants, so as to ensure that the restrictions are duly enforced by the authorities responsible for the preparation of the rolls and the conduct of elections".

*(b) Method of voting.*

437. On the question whether voting should be in person or by postal ballot, we recommend that to suit the varying needs and conditions of the different provinces, a provision should be made in the Order in Council enabling the local Government or the Governor in his discretion to prescribe the necessary rules. This seems to be sound in principle and is in conformity with the view expressed to us by the Bombay Government.

*(c) The position of non-British subjects.*

438. As regards the competence of foreign subjects to vote or to hold a seat, in a commerce constituency, the rule prescribed by us, which is contained in the Appendix to this Chapter on page 177 is self-explanatory. and accords with the view which has been generally favoured before us.

*The Southern India Chamber of Commerce.*

447. First, as regards the Southern India Chamber of Commerce, it was established in 1909, being the first Indian Chamber in the province, and the third such Chamber in the whole of India. Its membership is large and varied; it has been from time to time accorded representation on various public and quasi-public bodies. Since the Montagu-Chelmsford Reforms, when its claim to separate representation on the Legislature was first recognised, it has been sending a representative to the Legislative Council. Its representative character has been recognised by the Indian Franchise Committee, and in the White Paper. The local Government originally recommended this body for recognition as a separate and independent constituency and so did the Provincial Delimitation Committee. Three matters requiring consideration in regard to its working have been brought to our notice. First, that under its Articles of Association, its membership is limited to 500, thus making the criticism possible that it is "a close corporation". But it has been urged that this provision is of a formal character, having been enacted to meet the requirements of a certain section of the Indian Companies Act. However, the Chamber has undertaken to remove this apparent defect and has placed before us correspondence to show that some steps are being taken in this direction. Secondly, the Chamber must be required so to frame its Articles of Association as to facilitate the affiliation of genuine Indian commercial and trade organisations. Thirdly, it is urged by the local Government, as a reason for negativing the Committee's recommendation, that no arrangement should be accepted which would enable the Nattukkottai Chetty community, as it has been enabled in the past, to capture the seat allotted to this chamber also. We agree with the Government that this is a possible abuse and we therefore recommend that no member of the Nattukkottai Nagarathar's community should be eligible as an elector or candidate for the Southern India Chamber of Commerce constituency. Rajah Sir Annamalai Chettiar, the Chairman of the Nattukkottai Nagarathar's Association, has in express terms stated in writing that he agrees to this condition. Subject to these proposals, which would have the effect of removing the minor defects adverted to by the Provincial Committee, we agree with its recommendation, that the Southern India Chamber of Commerce should be allowed to retain the separate representation which it has been enjoying.

*The Nattukkottai Nagarathar's Association.*

448. Then, as regards the Nattukkottai Nagarathar's Association, the main criticism directed against it is, that it is a communal organisation, its membership being restricted to the Nattukkottai Nagarathars alone. But they form a distinct, influential, and wealthy banking community, with a special history and tradition, having built up an indigenous banking system most perfectly organised. Their Association has till now enjoyed representation for about twenty-five years, either by nomination or election, in the legislature. In the report of the Indian Franchise Committee the retention of this constituency is recommended. The Government originally proposed that this body should be retained as a separate and independent electorate, and this proposal was approved by the Provincial

Committee, its ultimate recommendation is opposed to its first and second proposals. The Committee consistently recommended the retention of the present two constituencies : *viz.*, (1) The Southern India Chamber of Commerce and (2) The Nattukkottai Nagarathar's Association, and supported its recommendations by cogent reasons.

*The questions for decision.*

443. Three questions arise for decision.

*First.*—Is it proper in an advanced province like Madras to adopt a qualification determined only with reference to the payment of income-tax or some other similar pecuniary criterion ?

*Second.*—Is the Government's proposal to combine the Andhra Chamber of Commerce with the two existing constituencies : *viz.*, the Southern India Chamber of Commerce and the Nattukkottai Nagarathar's Association, based on any sound reasons ?

*Third.*—Has a sufficient case been made out for depriving the last mentioned two bodies of the right of separate representation which they at present enjoy ?

444. As regards the first question, the advantages of the seat being filled by a member representing an organised body possessing a definite character, instead of by scattered units with widely differing and diverse interests, have already been set out. In this province, representation has hitherto been through associations, and it would be a distinctly retrograde step now to recommend a system, the disadvantages of which are obvious. That the Indian commercial community in the province is fully alive to the importance of organised bodies, is evident from the fact that, as many as twenty-two commercial associations have been mentioned in connection with the electorate in question. In our opinion therefore, membership of a recognised body is, in respect of this province, a necessary qualification.

*The Andhra Chamber of Commerce.*

445. The second question relates to the claim of the Andhra Chamber of Commerce to recognition. It is difficult to conceive why this body, out of the twenty odd associations in the province, has been singled out for preferential treatment. This Chamber came into existence recently, in or about 1928, and it is admitted that since the 1st of July 1931 it has ceased to function. There has been continual default in regard to the filing of the balance sheets, and even the account books of the association for the whole period up to the 31st of December 1934 are reported to be missing. In these circumstances it is impossible to accede to the Government's recommendation.

446. There remain the claims of the two bodies :—

- (1) The Southern India Chamber of Commerce, and
- (2) The Nattukkottai Nagarathar's Association.

We recognise the force of the criticism, but are not prepared to upset the communal balance indicated in the Communal Award to the extent of depriving the European community of this seat. However, in view of the facts brought to our notice, we suggested to the Bombay Government the desirability of transferring the seat in question to the Bombay Chamber of Commerce constituency, and the local Government have approved of our suggestion. We accordingly recommend that the Bombay Chamber of Commerce and the Trades Association should be combined for the purpose of returning their quota of representatives in the Council, one seat being reserved for the Trades Association in a three member constituency. With this modification, the Bombay Government's scheme for filling the six of the seven seats mentioned above, is accepted.

452. As regards the seventh seat, the Bombay Government, on the unanimous recommendation of the Divisional Commissioners, and the Provincial Delimitation Committee, propose that the seat up till now filled by nomination to represent the Cotton Trade, should be assigned to the East India Cotton Association, but on an elective basis. The Indian Franchise Committee, in paragraphs 317 and 327 of their Report, recommend the retention of this seat for representing the Cotton Trade, but add that the system of nomination should be replaced by election. That the interests of the Cotton Trade demand separate representation, cannot be and has not been questioned. The only point that the Provincial Committee and the local Government had to consider was, whether the seat was to be allotted to the East India Cotton Association or to be assigned as an extra seat to the Bombay Chamber of Commerce which undertook to earmark it for the Cotton Trade. The Provincial Committee observe:—

“ If an extra seat is allotted to the Bombay Chamber of Commerce, to be earmarked for the Cotton Trade, the representative of the Cotton Trade so elected will represent only a small section of those concerned in that trade, whereas the East India Cotton Association, which is statutorily entrusted with the duty of controlling the Cotton Trade, will represent the interests of all persons concerned in that trade, both growers and dealers, Europeans as well as Indians. We have, for these reasons, come to the conclusion that the East India Cotton Association has the best claim to represent the Cotton Trade.”

This view the local Government endorse, and we unhesitatingly support the proposal. The nominated seat representing the Cotton Trade has not (as the representation of the East India Cotton Association points out) always been filled by a European. From the time the Cotton Trade was given representation until 1923, it was an Indian that was chosen to fill the seat; from that year, no doubt, the nomination has been that of a European, and it is suggested that the footnote to the Communal Award, which anticipated that the seat will fall to a European, was perhaps due to want of this detailed information. However, independent of the Communal Award, which is outside our reference, we are satisfied that the East India Cotton Association has established a strong claim to one of the Commerce seats, and we accordingly accept the Bombay Government's allocation of the seat in question.

Committee. In our opinion, therefore, the Nattukkottai Nagarathar's Association should continue to form a separate constituency for choosing a representative.

### BOMBAY.

449. Seven seats have been allotted to Commerce and Industry under the Government of India Act, in this province. In the present Legislative Council those interests, for the Presidency proper, are also represented by seven seats, which are thus assigned.

				No. of seats.
Bombay Chamber of Commerce	..	..	..	2
Bombay Trades Association	..	..	..	1
Bombay Mill Owners Association	..	..	..	1
Ahmedabad Mill Owners Association	..	..	..	1
Indian Merchants Chamber and Bureau	..	..	..	1
Cotton Trade (nominated)	..	..	..	1

Both the Government and the Provincial Committee propose that no change should be made in regard to the six seats which are filled by election and that the five associations named above should be retained as constituencies. The seventh seat has been allotted to the East India Cotton Association.

### *Proposals of the local Government.*

450. The following table sets out the allocation recommended by the local Government.

				No. of seats.
Bombay Chamber of Commerce	..	..	..	2
Bombay Trades Association	..	..	..	1
Bombay Mill Owners Association	..	..	..	1
Ahmedabad Mill Owners Association	..	..	..	1
Indian Merchants Chamber	..	..	..	1
East India Cotton Association	..	..	..	1

### *Our recommendation.*

451. First we must observe, that, the proposal to continue representation to the Bombay Trades Association has been the subject of some comment. This body, it is maintained, consists only of about thirty-nine members, of whom some are foreigners, and, on this ground, the demand is made on behalf of the Indian commercial community, that their representation should be strengthened by the Trades Association's seat being assigned to them.

The Government in their report observe that they have not been able to find, within the short period at their disposal, a basis for the allocation of the seats in question, other than the Communal Award. In view of the Government's recommendation, receiving as it does strong support from the Provincial Advisory Committee, we do not feel at liberty, in the circumstances, to upset the communal ratio indicated in the footnote.

*Indian Commerce.*

455. As regards the seats to be allotted to Indian Commerce, the local Government inform us as regards the Bengal National Chamber of Commerce that "It is the doyen of Indian commercial bodies in Bengal. It was founded in 1887 and has a long history of useful work. Its advice has been readily given to Government on all references to it and it has the confidence of the Bengali business public. The proceedings of the Advisory Committee also indicate that it is the focus of Bengali commercial nationalism. Its membership is composed of firms which have their main centre of business in Bengal, and Government consider it appropriate that weightage should be given to this factor in allocating seats in the provincial legislature".

As regards the Marwari Association, the local Government remark, "The Marwari Association is the most representative commercial body of the Marwari community in Calcutta, a community which has played a leading part in the development of commerce in Bengal. The Marwari Association is a long established, well organised, body which has as members practically every Marwari firm of substance in Calcutta. Many of its members have for generations been domiciled in Bengal; but they have preserved their individuality as Marwaris. The Association has always been ready to advise Government on any commercial question referred to it, and its influential position in public life is amply approved by the unanimity of the Advisory Committee in supporting its claim for continued representation".

As regards the Muslim Chamber, the local Government inform us that in their considered view "The Muslim Chamber has made out a case for representation on the merit of its functions and importance as a commercial body. The evidence produced before the Provincial Committee proves that the membership of the Muslim Chamber consists of about eighty firms, although the Chamber was created only two years ago. The commercial importance of the activities of the Muslim community, which the Chamber represents, has been proved in the Memorandum and evidence they submitted to the Advisory Committee. Again, it has been shown in evidence that Muslim representation in other Chambers for which the Committee have allocated seats is insignificant....The fact that the Muslim Chamber was registered after the issue of the communal decision has lent a certain amount of colour to the contention that the Muslim Chamber was created for the purpose of claiming a seat to the Bengal Legislative Assembly. Actually the registration of this Chamber is unconnected with the new constitution. The process of forming the Chamber has been spread over a series of years".

## BENGAL.

## Present and proposed distribution.

453. Nineteen seats have been allotted to Bengal under the Act to represent Commerce and Industry. There are 15 seats at present, distributed as follows :—

			Number of Seats.
European	The Bengal Chamber of Commerce	..	.. 6
	The Indian Jute Mills Association	..	.. 2
	The Indian Tea Association	..	.. 1
	The Indian Mining Association	..	.. 1
	The Calcutta Trades Association	..	.. 1
Indian	The Bengal National Chamber of Commerce	..	.. 2
	The Bengal Marwari Association	..	.. 1
	The Bengal Mahajan Sabha	..	.. 1

The local Government and the Provincial Advisory Committee have recommended that the nineteen seats should be allotted thus :—

			Number of Seats.
European	The Bengal Chamber of Commerce	..	.. 7
	The Calcutta Trades Association	..	.. 2
	The Indian Jute Mills Association	..	.. 2
	The Indian Tea Association	..	.. 2
	The Indian Mining Association	..	.. 1
Indian	The Bengal National Chamber of Commerce	..	.. 2
	The Bengal Mahajan Sabha	..	.. 1
	The Marwari Association	..	.. 1
	The Muslim Chamber of Commerce	..	.. 1
	European Commerce.		

454. This allocation gives fourteen seats to European Commerce and five to Indian, and is in accordance with the indication in the footnote annexed to the table of the Communal Award. A member of the Provincial Advisory Committee took exception to this arrangement and pointed out, *inter alia*, that it was inequitable to give no representation to the Indian Jute or Mining interests, while four seats are assigned to two European concerns, *viz.*—

- (1) The Calcutta Trades Association, and
- (2) The Indian Jute Mills Association,

which together have a membership only of about one hundred.

themselves in every way with Bengal. The criticism referred to above is therefore neither sound nor in point of fact well founded.

It is stated (although the figures may be no more than an estimate) that the total capital represented by the Chamber is 345 crores, made up of 266 crores, the capital of the railways, and 79 crores, the capital of the other members. It is claimed that this is the only Indian Chamber (at any event in the province) having railways on its rolls and further that there are about a dozen trade associations, representing various trades and industries, affiliated to this body. Besides, this Chamber has been accorded representation, on the recommendation of the Bengal Government, on various public bodies, and the names of nine such bodies are set out in the memorandum submitted by the Association. Again, the Chamber has been invited by the Government of Bengal to various conferences convened by them, to consider questions of interest to Indian commerce, and it has from time to time rendered assistance to the various departments of the Government, by formulating and submitting its considered opinion on commercial and industrial questions. Its tribunal of arbitration, established in 1927, is one of its special features, and since then, through its separate panels appointed to deal with different trades, the tribunal has adjudicated upon a large number of claims, and its awards have been enforced by the High Court. This body also enjoys the privilege of issuing survey certificates recognised in foreign countries. Lastly, it is worthy of mention, that the only two Indian bodies which represent the general commercial, as opposed to sectional or communal interests, are the Bengal National Chamber and the Indian Chamber, and whereas the former refuses membership to concerns having their principal place of business or headquarters outside Bengal, the Indian Chamber imposes no such restriction and is therefore truly representative in character.

### *The Bengal Mahajan Sabha.*

459. Then as regards the Bengal Mahajan Sabha, the matter stands thus:—In the first place it is not clear whether the interests which this body seeks to represent, are not sufficiently represented by the Bengal National Chamber (*vide* the evidence of Mr. N. R. Sircar, the President of the last mentioned body, reproduced in Volume III of our Report). In its memorandum, the Bengal Mahajan Sabha claims that its members, the Mahajans, finance the agriculturists of Bengal, yet it was constrained to admit that it failed to appear before the Agricultural Commission for safeguarding and protecting the interests of those whom it professes to represent. It goes on to say in its memorandum that it is interested in indigenous banking; but the fact remains that it failed to submit memoranda to, or appear before, the Provincial and the Central Banking Enquiry Committees. When pressed for an explanation of these omissions, its representative gave answers which were evasive and unsatisfactory. We are aware that the Mahajan Sabha enjoys representation in the existing Council, but it would be wrong to give effect to the principle of the *status quo* when the reasons for preferring the Indian Chamber of Commerce to that body are overwhelming.

456. We have carefully considered this question in the light of this evidence tendered to us and of the discussions which we have had in Bengal, and as a result we accept the Government's recommendation in respect of the following constituencies :—

					Seats.
(1) The Bengal National Chamber of Commerce	..	..	..	..	2
(2) Marwari Association	..	..	..	..	1
(3) Muslim Chamber of Commerce	..	..	..	..	1

457. Of the various competing Indian bodies in addition to the four referred to in the second sub-paragraph of paragraph 453, the only chamber whose claim, as stated by the Government, requires to be carefully considered is the Indian Chamber of Commerce. Thus, with the allocation of the four seats already recommended, the remaining one seat is left between the two claimants. (1) The Bengal Mahājan Sabha and (2) The Indian Chamber of Commerce.

#### *The Indian Chamber of Commerce.*

458. The Government observe "there can be no question that the Indian Chamber of Commerce is a commercial body of weight and substance. It is well organised and its membership is strong". The point then to consider is, whether the Government was justified in ignoring the claim to representation of such an influential and representative body as this.

The Government says "the Indian Chamber, as has been demonstrated in the evidence given before the Advisory Committee, represents mainly non-Bengali firms". This criticism ignores the real criterion, for the test is, not whether the concerns the chamber represents are Bengali or non-Bengali, but, whether they have in actual fact, a real and substantial stake in Bengal. Out of the total of 238 members of this Chamber, only eighteen have their head offices outside the Province, and the remaining 220 within Bengal. Of the eighteen, three are banks with extensive business operations in Bengal. Similarly, the Scindhia Steamship Company, another of the eighteen, has large interests in Bengal, their steamers plying from Calcutta to various places. Yet another concern is the Tata Iron and Steel Company, whose sales in Bengal are extensive, and whose sales manager and managing director have their head offices at Calcutta. Eleven of the eighteen again are insurance companies, whose business operations extend to Bengal. Not only do the remaining 220 concerns have, as already stated, their head offices in Bengal, but 90 per cent. of them have their business operations confined to the province—the capital of such concerns alone amounting to between 50 and 60 crores. Then again, the representative of the Chamber states that these 220 members are Bengali in outlook, having made the province their home for generations, and having identified

and representative body, is evident from the fact that they propose, presumably by way of compensation, to give that Chamber representation in the Upper House by nomination. On previous occasions too, the Government referred to the Merchants' Chamber as representing "an important section of Indian commercial interests," and again in connection with the filling of a seat on the Railway Board, testified to the "important and representative character of the Merchants' Chamber". The reason given by the Government, for the rejection of the claim of the Merchants' Chamber, is somewhat unconvincing. They observe that, if, ignoring the principle of the *status quo*, "they depart from the existing position, it would be difficult to place a limit upon the bodies by whom representation will be demanded, or to whom it should be accorded". This statement loses sight of the fact, that although in the province there were about thirty minor trade associations, not one of them ventured to put forward a claim to the seat in question. That the Merchants' Chamber fundamentally differs from these minor bodies, has been most conclusively proved. In its numerical strength, in the variety of trades and industries it represents, in the capital and resources of its members, it undoubtedly occupies a high place. In the province, it claims to represent 40 per cent. of the total industrial labour employed, and 43 per cent. of the income-tax and super-tax paid under the head "Business and Property". This chamber was no doubt started only in 1932, whereas the United Provinces Chamber has been in existence since 1913. The Merchants' Chamber asserts that the older body, torn by faction and alive with intrigue, ceased to function effectively, that it became impossible to reform it from within, and that in the interests of Indian commerce the founding of a new chamber became imperative. It is further asserted that, by the admission of persons who are not directly interested in, or actively engaged in commerce, the membership of the United Provinces Chamber has been unduly inflated. On these grounds, the Merchants' Chamber attacks the representative character of the older Chamber and seeks to reinforce its contention by a reference to the minutes of evidence recorded before a sub-committee of the Joint Select Committee, presided over by Lord Derby, on the 17th July 1933. There it was elicited that some of the members of the United Provinces Chamber were lawyers in active practice, and some were landlords, and that its Honorary Secretary for a period of fourteen years was a practising lawyer, who at the moment was its President. When the point was stressed by the United Provinces Chamber's representative that the White Paper recognised it as the Indian Commerce constituency, Lord Derby had to remind him that the document in question only reproduced the existing electorate which was intended to be "entirely provisional" and added the significant remark "through a misunderstanding you have made a claim which I do not think can be entirely substantiated".

#### *Our recommendation.*

464. We recognise the importance of concentrating on a single representative association, but unfortunately petty jealousies and unseemly squabbles have served to keep these two bodies apart. Had we been satisfied that superiority definitely rests with the older Chamber, we should

*Our recommendation.*

460. In the result, the Government's proposals are accepted, subject to the modification that the Indian Chamber of Commerce is substituted for the Mahajan Sabha.

## THE UNITED PROVINCES.

*Present and proposed distribution of seats.*

461. Three seats have been allotted in this province under the Act to represent Commerce and Industry. In the existing Council, these interests are represented by the same number of members, two seats being allocated to the Upper India Chamber of Commerce as representing European commercial interests, and the third to the United Provinces Chamber to represent Indian Commerce.

The local Government recommends the retention of the existing electorates.

*European Commerce.*

462. First, as regards the representation of European Commerce, the propriety of the Government's recommendation, which has been fully endorsed by the Provincial Advisory Conference, has not been questioned, and it is accordingly accepted.

*Indian Commerce.*

463. Turning to the representation of Indian Commerce, the seat has been claimed by two rival bodies:—

- (1) The United Provinces Chamber of Commerce, and
- (2) The Merchants' Chamber, United Provinces.

The discussion in the Provincial Conference disclosed a sharp line of cleavage. The question debated was, whether the existing constituency, *viz.*, the United Provinces Chamber, should alone be recognised, or whether, along with it, should be combined the rival Association, the Merchants' Chamber. The majority of the members of the Conference supported the claim of the United Provinces Chamber, though it must be noted, that its most prominent champion was its own president (a member of the Conference), a fact that somewhat detracts from the weight to be attached to the majority view. The Government, on the ground that the *status quo* should be maintained, has recommended its retention as the sole electorate. The Merchants' Chamber presented what the Government concede, is a 'reasoned memorandum', claiming to represent a substantial amount of Indian capital. That its claim is well-founded admits of no question. In the memoranda submitted by the rival Association, gross charges were levelled impugning the status and the standing of the members of the Merchants' Chamber. But even a cursory examination showed that the attack was utterly unfounded; indeed the President of the United Provinces Chamber was constrained to admit, in the course of the elaborate enquiry before us, dealing with certain specific charges, that they were in point of fact, either extremely unfair or thoroughly baseless. That, even in the opinion of the Government, the Merchants' Chamber is an influential

*Our recommendation.*

467. We accept the Government's proposal and recommend that the Commerce constituency shall consist of the following Associations—

1. The Punjab Chamber of Commerce.
2. The Northern India Chamber of Commerce.
3. The Indian Chamber of Commerce.
4. The Punjab Trades Association.

**BIHAR.**

468. Under the Government of India Act, four seats are allotted in this province to represent Commerce, Industry and allied interests. In the existing Council, for the composite province of Bihar and Orissa, the number of seats to represent these interests is also four, three of them being filled by election by :—

- (1) The Indian Mining Association,
- (2) The Indian Mining Federation,
- (3) The Bihar Planters' Association,

and the fourth seat by nomination to represent "Industry other than Planting and Mining". The system of nomination has been abolished, and all the four seats now assigned to Bihar (without Orissa) are to be filled by election.

*Our recommendation.*

469. The local Government recommend that the three existing constituencies should be maintained, and that the fourth seat should be assigned to the Bihar Chamber of Commerce. The claim of the Indian Sugar Mills Association to a seat, has been negatived by the Government on the ground, that the "Sugar industry can obtain representation through the Chamber of Commerce". We fully endorse this view, and in the result accept the Government's recommendation that the four seats should be distributed among—

- (1) The Indian Mining Association.
- (2) The Indian Mining Federation.
- (3) The Bihar Planters' Association, and
- (4) The Bihar Chamber of Commerce.

The qualifications of electors will be those indicated in Appendix IX to our Report.

**THE CENTRAL PROVINCE AND BERAR.**

470. Under the Government of India Act, two seats have been allotted in this province to Commerce and Industry. In the existing provincial Legislature, the number of seats is three. As already observed, the Indian Franchise Committee recommended the abolition of the seat reserved for Mining, on the ground that there was no active mining interest in the province, and the Act has accordingly reduced the number of seats from three to two.

have unhesitatingly, on the principle of the *status quo*, recommended its continuance as the sole electorate, leaving the Merchants' Chamber to amalgamate in course of time, with the United Provinces Chamber. But the latter has signally failed to establish its claim to preferential treatment. We therefore recommend that the two bodies, *viz.*, the United Provinces Chamber of Commerce, and the Merchants' Chamber, United Provinces, shall together form a joint electorate.

### THE PUNJAB.

#### *Present distribution.*

465. Under the Government of India Act, one seat has been allotted in this province to the representatives of "Commerce, Industry, Mining and Planting". In the existing Provincial Legislature the number of seats is two, distributed thus :—

I.	(1) The Punjab Chamber of Commerce	}	one seat (Commerce).
	(2) The Punjab Trades Association		

II. Punjab Industries .. . . . one seat (Industry).

The existing commerce constituency, as shown above, is composed of two organised commercial bodies, whereas the Industry constituency contains scattered units made up of registered joint stock companies and factories.

In the White Paper, it is stated in the footnote at page 97 "the previously existing industry constituency was not retained in the Communal Decision and the franchise for it is accordingly omitted". However, the fact remains that the seat now allotted is, under the express terms of the Act, as much an industry as a commerce seat.

#### *Proposals of the local Government.*

466. The Punjab Government originally proposed that the constituency for the one seat allotted under the Act should consist of,

- (a) 1. The Northern India Chamber of Commerce,
- 2. The Punjab Chamber of Commerce, and
- 3. The Punjab Trades Association, and

- (b) Joint Stock Companies registered in the Punjab and having a paid up capital of Rs. 1 lakh and over, to represent Industry.

The local Government, in the light of their discussion with us, modified their earlier proposal by omitting clause (b) altogether (thus preferring associations as electing agencies) and adding to the list of the bodies specified in clause (a), the Indian Chamber of Commerce, as a fourth body. The seat allotted to commerce and industry in the Punjab is, under the footnote to the Communal Award, to be filled by an Indian. To preserve this allocation, as well as in view of the importance of the Indian Chamber of Commerce, it is essential to combine it with the other three bodies for the purpose of forming a suitable electorate.

474. The two seats assigned to Indian Planting should be assigned as recommended by the Government :—

One to the Assam Valley ; and

One to the Surma Valley.

475. As regards European Planting, the Government originally proposed that four seats should go to the Assam Valley, two to the Surma Valley, and that there should be one 'floating' seat which could be allotted to either valley by the Governor in his discretion after consulting the tea industry. With the approval of the Government, and the consent of that industry, we recommend that there should be a plural-member constituency covering the whole province returning seven members.

*Commerce and Industry seats.*

476. We accept the Government proposal that these seats shall cover the whole of the province—there being separate electorates for Indian and European interests. The existing franchise is :—

- (a) being the owner of a factory, other than a tea factory, situated in Assam, and which is subject to the Provisions of the Indian Companies Act, 1913, or a person appointed by the owner of such factory for the purpose of voting on his behalf ; or
- (b) being appointed for the purpose of voting by any company, other than a company principally engaged in tea industry, having a place of business in Assam, and having a paid up capital of not less than Rs. 25,000.

The Government proposes slight modifications in the franchise mentioned above, and our detailed recommendations have been set out in Appendix XI in Volume II of our Report.

**ORISSA.**

477. One seat has been allotted under the Government of India Act to Commerce and Industry in the newly-constituted province of Orissa. The local Government recommended that this seat should be filled by the Orissa Chamber of Commerce,—a body which we understand, has either not come into being, or, is in the process of formation. In the absence of any association of standing, we are unable to recommend that the membership of a commercial chamber should be a necessary qualification.

The qualifications of electors will be those set out in Appendix XIII to our Report.

**SIND.**

478. Two seats have been assigned under the Act, in the separated province of Sind, to the representatives of Commerce and allied interests. The Bombay Government recommends that these seats should be allotted to :—

- (1) the Karachi Chamber of Commerce, and

- (2) a combined constituency formed of—

- (a) the Karachi Indian Merchants' Association and

- (b) the Karachi Buyers' and Shippers' Chamber.

*Our recommendation.*

471. We are informed that in this province there is no commercial chamber, of standing, and therefore it is necessary that the electorate should be formed of all companies, firms and individuals possessing the requisite qualification.

Of the two seats we recommend that one should be assigned to the Central Provinces and one to Berar. The qualifications of electors will be those indicated in Appendix X to our Report.

## ASSAM.

472. Under the Act, eleven seats are assigned in this province to representatives of commerce and allied interests. In the existing Council the number allotted is six and the following is the arrangement of the constituencies.

					No. of seats.
Planting Assam Valley	..	..	..	..	3
Do. Surma Valley	..	..	..	..	2
Commerce and Industry (non-territorial)			..	..	1

In accordance with the allocation suggested in the table annexed to the foot-note to the Communal Award, the local Government has recommended the formation of such constituencies as would return eleven European and three Indian members. It must be mentioned that Assam is one of the three provinces where we have not recommended Associations as electing agencies, there being no such associations.

The eleven seats are distributed under the scheme formulated by the Government, between Planting on the one hand and Commerce and Industry on the other, thus :—

Planting	..	..	European	..	7	9
			Indian	..	2	
Commerce and Industry		..	European (including Mining).	..	1	2
			Indian	..	1	

*Planting.*

473. The Government propose that there should be separate electorates for the European and Indian seats and we agree. The existing franchise is :—

Being the superintendent or manager of or an engineer or medical officer employed on a tea estate in the Assam or the Surma Valley as the case may be.

The Government recommend the retention of this franchise with the following qualification :—

No tea estate with less than 75 acres of tea under actual cultivation will be classed as an estate for electoral purposes.

We agree with the recommendation.

## APPENDIX TO CHAPTER IX.

We set out below our suggestions for the rules to govern the qualifications of electors and candidates in the Commerce constituencies in the Provincial Legislative Assemblies.

## A.

## Constituencies comprising Associations, Chambers, Sabhas, or like bodies (hereinafter referred to as Chambers).

I. QUALIFICATION OF ELECTORS.—A person shall be qualified to be included in the electoral roll of a Commerce, Industry, Mining or Planting constituency (hereinafter referred to as "Commerce Constituency")—

(i) If his name is included in the list of members for the time being in force of the chamber forming such constituency.

'Person' shall include a firm, a Hindu joint family concern, an incorporated company or corporation.

A firm or a Hindu joint family concern or an incorporated company or a corporation included in the electoral roll of a Commerce constituency, may nominate representatives,\* not exceeding three, who shall be entered in the electoral roll of such constituency as such representatives, any one of whom (but not more than one) shall be entitled to vote for such firm, Hindu joint family concern, incorporated company, or corporation.

*Explanation.*—Such representatives shall be—

(a) in the case of a firm or a Hindu joint family concern, any member thereof or a person authorised by a power of attorney or letter of procuration to sign its name in the ordinary course of business, and

(b) in the case of an incorporated company or a corporation, any director, managing agent, manager, or secretary thereof, or a person authorised on its behalf by a power of attorney or letter of procuration to sign its name in the ordinary course of business.

(ii) and if,

(a) in the case of a firm, a Hindu joint family concern or an individual, it or he is engaged in trade, commerce or industry, and in any one of the five income-tax years immediately preceding the preparation of the electoral roll has been assessed to income-tax on an income of not less than Rs. 10,000 derived from trade, commerce or industry.

(b) in the case of an incorporated company or a corporation, it is engaged in trade, commerce, or industry and possesses a paid up capital of not less than Rs. one lakh.

*Explanation.*—

(a) the word 'trade' shall be deemed to include Banking, Insurance and Transport.

(b) in the case of firms, the aggregate of the incomes of the partners (derived from the business of the firm) which have been assessed to income-tax, shall be deemed to be the income of the firm.

Provided that no person shall be qualified to be included in the electoral roll—

(i) who does not reside or have a place of business in the Province concerned ; and

(ii) who is in arrears with his subscription payable to the Chamber (of which he is a member) to the end of the financial year previous to the preparation of the electoral roll.

\* The electoral roll should contain the name as elector, of each firm, Hindu joint family concern, incorporated company, or corporation, as the case may be, and opposite to such entry should appear the names of the representatives authorised to vote.

*European Commerce.*

479. The Karachi Chamber of Commerce, which at present returns a member to the Bombay Legislative Council, represents European Commercial interests. The foot-note to the table annexed to the Communal Award states that it is expected that initially one of these two seats will be filled by a European. The position that one European should be returned in one of the two seats, was strongly assailed by a co-opted member of the Sind Delimitation Committee, but we are not prepared to differ from the considered view, on this matter, of the Bombay Government and the Provincial Committee.

*Indian Commerce.*

480. As regards the representation of Indian Commerce, the Government's proposal differs vitally from that of the Provincial Committee. The Committee observe, that they see no reason why the representation of Commerce and Industry in Sind should be limited either to the single town of Karachi, or to the two Associations situated there specified by the Government. Later the Committee refers to—

- (1) the Sath Narain Piece-goods Association, which represents large commercial interests ; and
- (2) the Sind Work Merchants' Association representing important interests outside Karachi, the business operations of its members amounting to crores.

The Committee, therefore recommend that the Indian Commerce Constituency should include all registered Associations with approved rules, whether they be in Karachi, or in the other commercial centres, such as Hyderabad, Sukkur, and Shikarpur. A further qualification is insisted on, *viz.*, the payment of income-tax on an income of not less than Rs. 5,000 for any one year in any of the three years previous to the election, the income-tax paid by its employees, being taken into account for this purpose in the case of a firm.

*Our recommendation.*

481. The two Associations mentioned by the Government are not, in our opinion, fully representative of the Indian commercial interests in Sind. As the Committee rightly pointed out to us, it would be inequitable to ignore the very large and varied interests, which not only do not, but cannot, in view of the constitutions of those bodies, obtain representation through them. We endorse the Committee's view in this respect, but the wisdom of combining half a dozen or more bodies, "whose standing and status are different, whose constitution and qualifications for membership are not similar", is, as already pointed out, open to grave question. The advantage of using Associations as electing agencies, is, mainly, that they can send to the legislatures recognised spokesmen "with a mandate from an authority which remains competent to enforce it". The object which is intended to be achieved by recognising organised bodies as electorates is not furthered but frustrated, by a combination of the kind suggested, of a number of unrelated and varied bodies. We are therefore definitely of the opinion, that membership of a Chamber should not be insisted on.

We recommend that the qualifications of electors should be those set out in the Appendix to this Chapter.

## CHAPTER X.—LABOUR.

*Present and proposed representation.*

482. The representation allotted to labour in the provincial Legislative Councils under the existing constitution consists of three seats in Bombay, two seats in Bengal, and one seat each in the Punjab, Bihar and Orissa, the Central Provinces and Assam. In all cases this representation is secured by means of nomination by the Governor. Under the provisions of the Government of India Act, 38 seats will be allotted to labour in the future Provincial Assemblies. Their distribution is as follows:—

Madras	..	..	..	..	..	6
Bombay	..	..	..	..	..	7
Bengal	..	..	..	..	..	8
United Provinces	..	..	..	..	..	3
Punjab	..	..	..	..	..	3
Bihar	..	..	..	..	..	3
Central Provinces and Berar		..	..	..	..	2
Assam	..	..	..	..	..	4
Orissa	..	..	..	..	..	1
Sind	..	..	..	..	..	1

483. The Indian Franchise Committee, whose view was accepted by the third Round Table Conference and by the Joint Select Committee, recommended that these seats should be allotted partly to trade union and partly to special labour constituencies. The Government of India Act leaves the qualifications of electors and of candidates and the nature of the constituencies to be prescribed.

484. We now turn to the representation of labour in the various provinces. The first difficulty we met was the huge potential electorate, spread over a vast area with, except in rare cases, a deplorable lack of organization among the workers themselves. In every province, the industrial workers extend over the whole province, and no scheme can be devised which will on the one hand tend to keep the few available constituencies compact and manageable, and, on the other, secure adequate representation for the workers engaged in manual labour. In the province of Assam, for instance, the coolies working in the tea gardens alone reside in an area covering more than 28,000 square miles and are so numerous (estimated at nearly a million), and so varied in their racial characteristics that it is clearly impossible to include them all in the four constituencies which have been reserved for the province, except by indirect representation through delegates on a scale which would eliminate any contact between the member and his constituents, would fail to give the labourer any direct interest in the final election, and would inevitably be attended with great administrative difficulties.

Provided further that a person who is, or a firm or a joint family concern or an incorporated company or a corporation, which is, a member of two or more Associations or Chambers prescribed as Commerce constituencies in the same province, shall be qualified to be enrolled in the electoral roll of such one only of those constituencies as he or it may elect.

II. **QUALIFICATION OF CANDIDATES.**—No person shall be qualified to hold a seat in any Provincial Legislative Assembly to represent a Commerce constituency, unless his name is entered in the electoral roll of the constituency as an elector, or he is a representative entitled to vote on behalf of a firm, a Hindu joint family concern, an incorporated company, or a corporation, included in the electoral roll of the constituency.

Nothing in this rule shall preclude any one representative from standing for election and another of the representatives from exercising the right to vote.

III. A member of a Chamber or a representative of such member, who is not a British subject or a subject of an Indian State may vote in the Commerce constituency ; but no member, or representative of a member, who is not a British subject or the subject of an Indian State shall be eligible to hold a seat.

A subject of an Indian State whether it has acceded to the Federation or not, shall be entitled to vote in a Commerce constituency.

A subject of an Indian State which has acceded to the Federation and of any prescribed Indian State which has not so acceded [*vide* Schedule V, paragraph 1 (a) of the Government of India Act] shall be entitled to hold a seat in a Commerce constituency.

*B.*

**Where Associations have not been recommended for the election of representatives of Commerce.**

Save where the Appendices to this Report expressly provide otherwise, the qualifications of electors and candidates shall, *mutatis mutandis*, be the same as those prescribed above in the case of constituencies comprising Associations.

recognised by the Company as the official mouthpiece of the men, though it had actually ceased to have influence with a large number of strikers. The local Government informed us that "its influence was broken by the Jamshedpur Labour Federation and the Golmuri Tinplate Workers' Union, founded by a local leader. Since then it has gone steadily downhill, and has no existence except on paper. It has practically no membership, and the Company has recently decided to evict it from its premises as the Association has paid no rent for three years and the office is no longer used for genuine labour union purposes. The Association has never been registered as a trade union.

The rival organizations—the Jamshedpur labour federation and the Tinplate Workers' union, were registered as trade unions early in 1929. At the time of registration they had 15,000 and 2,857 members, respectively. With the imprisonment of their founder for cheating and embezzlement these unions collapsed and are no longer in existence. Attempts may, no doubt, be made to revive them when he comes out of jail.

The Jamshedpur Metal Workers' Union is a new organization led by a railway labour leader. At first a fusion with the remnants of the Labour Association and the Labour Federation was attempted but proved infructuous. The Union was registered in June 1934 and claims a membership of 1,717. It is stated that its aim is to conduct it on orthodox trade union lines avoiding a definite political bias. The employers have recognised the union.

The present position, therefore, is that there is only one union in existence in Jamshedpur, and that it has a comparatively small membership. The previous organizations, which had large memberships, have all collapsed and are completely discredited among the workers. Over 90 per cent. of the workers in Jamshedpur do not belong to any labour organization. It is probable that on release from jail the original founder will attempt to re-form his labour federation and it is possible that the present union may then dissolve. If a labour seat were allotted now to the Metal Workers' Union it would not be possible to guarantee its continued existence till the elections take place. Jamshedpur has always been note-worthy for internecine strife between the different labour organizations there."

488. We have been painfully impressed by the fact that in many areas disunion rather than union has followed on the attempts to organize labour. This is however not surprising when we remember that the structure of the British Trade Union movement to-day in Great Britain is the result of development, extending over upwards of a century, of the association of work people for the protection of their interests, and for the development of collective bargaining. The process of organisation must take time. We were also warned in more than one province that labour seats might attract the political adventurer as easy to obtain; and that, by holding out a seat in the legislature as an encouragement for the formation of trade unions, we might develop the

*Advantages of trade unions as the electorate.*

485. Our problem would have been simplified had more advantage been taken of the advice given in the report of the Royal Commission on Labour. Their report, and that of the Indian Franchise Committee, issued over three years ago; and the latter report suggested, as an encouragement to the development of trade unions, that any trade union which had been registered for six months previous to the first election under the new constitution might be recognised for the purpose of forming the whole or a part of the electorate.

486. We are in entire agreement with the view expressed in the report of the Royal Commission on Labour, and supported by the Indian Franchise Committee, (Report paragraph 244), that "if special representation is to be given to industrial labour, the method which, in our view, is most likely to be effective in securing the return to the legislatures of the best representatives of labour is that of election by registered trade unions. The working of this method should also exercise an important influence on the healthy development of trade unionism. Where only one seat was given, the trade unions might elect the member; where more than one seat was allotted to labour, the unions could either be grouped for the purpose in separate constituencies, possibly according to industries, or they could elect the members jointly. As regards the details, we recommend the setting up in each province of a special tribunal to determine before each election the weight which should be given to each registered trade union. The tribunal might consist of three members, unconnected with industry or labour, presided over by a high judicial officer. The Registrar of Trade Unions should not be a member, but should give the tribunal such assistance as they require. The grant of the vote should be limited to unions which have been registered for not less than one year, and it would be the duty of the tribunal after such investigation as was necessary in the case of each union to determine the actual paying membership and to allocate votes accordingly. We recognise that this method may not be everywhere applicable under present conditions, and, if it was found to be impracticable in any case, recourse would be necessary for a time to some other method. In Assam, for instance, where more effective representation of the plantation workers is required, different methods will be necessary".

*Difficulties in connection with trade unions.*

487. Now despite the impetus which should have been given to the organization of labour by this Report, and by the Report of the Indian Franchise Committee, we found that, very little success had followed the attempts made since to organize labour on trade union lines. Possibly this was due to various reasons in the different provinces. In Madras, for example, we were informed that the organizers of trade unions ran the risk of being victimised by the employers, and that this accounted in the main for the lack of interest in that province. In Bihar, at Jamshedpur, the Sheffield of India, the first labour organization was formed in 1921. It was reorganized in 1922 and during the big strike of 1928 it was

there was no other method of representing labour effectively. Our enquiries revealed

- (1) trade unions which might work successfully for a year or two, as at Jamshedpur, but might be split by internal dissensions ; and
- (2) trade unions, at present unsound, but which might overcome initial difficulties, and be worthy of recognition for the franchise, as distinct from mere registration.

492. The problem before us therefore, is whether any arrangement can be made by which, as trade unions are formed, or as they disappear, it would be possible to ensure their recognition or their disenfranchisement, or in other words to confine the franchise to genuine and efficient trade unions.

*Our recommendations.*

493. We consider that the law as to their supervision and control needs some improvement in certain particulars. Under the existing law, which is incorporated in the Indian Trade Unions Act, 1926, as amended by Act XV of 1928, Government has no power to inspect the registers of a trade union, or to satisfy itself whether the union is functioning properly, and whether its accounts are being regularly kept. Nor, as would appear from a judgment of the Calcutta High Court, has the Registrar power in the case of any union, which may have been declared to be an unlawful association under the Criminal Law Amendment Act, to refuse registration, if the same association applies again for registration under a different name. We, therefore, recommend that the existing law be so amended as to invest local Governments with the power of inspecting the registers of the trade unions, and to make Government or professional audit of their accounts compulsory.

494. It is not our desire to place the trade unions under the control of Government, or in any way to deprive them of their independence. What we are anxious to ensure is that full materials should be available for a tribunal on the lines suggested by the Royal Commission on Labour, and referred to in paragraph 486 above. We recommend that such a tribunal should be constituted by the Governor, acting in his discretion, in every province in which labour seats exist. The object of the tribunal would be to make a yearly review of the constituencies which we have recommended to Parliament for the labour seats in each province. If the result of the investigations of the tribunal was to show that any union had lost its representative character, or for any other reason had ceased to be in a position to fulfil the function for which it was designed, or that other unions had come into existence which could properly be included in a constituency or could adequately replace un-organized labour, a report to this effect, with the recommendations of the local Government, could be made to Parliament, if necessary after discussion in the legislature under the provisions of section 308 of the Government of India Act.

political aspect of those unions at the expense of other more benevolent activities. At present in India few trade unions exist which can be safely declared to be satisfactory or substantial. In some cases the organizations appeared to us to exist on paper only; in others the membership is negligible. In the Central Provinces, Bihar, and Madras some workers themselves (we give extracts from their evidence in Volume III of our Report) were emphatic in their denunciation of trade unions, and strongly opposed their enfranchisement. In these circumstances, we have found the delimitation of these constituencies a matter of some difficulty.

489. Taking the trade unions first, we fully realize the advantages of granting representation to labour through well-organized bodies, and our aim throughout has been to discover such trade unions as appeared to us to be stable and strong and to enfranchise them. In the first place, we thought that in this manner we could form constituencies which would not only represent all kinds of labour found in a province, but which would also be compact and manageable. Secondly, considering the illiteracy and the backwardness of the workers themselves, we were of opinion that the enfranchisement of trade unions would widen the field of candidature and would enable such persons to be returned as would be intelligent enough to voice the grievances of labour, if any. We are however, constrained to remark that in every province that we visited, with one or two exceptions, we were by no means favourably impressed by the conditions of management of these organizations. In some cases the mere prospect of securing a seat in the future legislative assemblies, and in the others the mere self-aggrandisement of the organiser himself, has been the sole incentive to the setting up of a skeleton union which, when carefully scrutinized, in no wise fulfilled the needs for which it had been formed, or served the real interests of those in whose name and for whose sake it had been brought into existence.

490. It was in these circumstances that certain provincial Governments, who had given the fullest consideration to the matter, and to whose opinion we were bound to attach great weight, expressed their reluctance to recognise as the basis of constituencies unions so flimsy as those which alone existed in their respective jurisdictions. In our discussions with them, we invariably found that their criticisms of these bodies were based on cogent grounds. We urged upon them, however, the desirability of encouraging trade union development so far as possible, and, wherever the material for such an experiment appeared to exist, we were as a rule successful in securing the concurrence of the local Government in the establishment of a trade union constituency based on whatever trade unions could be safely relied upon.

*Conditions to be satisfied by trade unions for inclusion in the electorate.*

491. We wish to make it clear that we have recommended special labour constituencies in those cases only in which the creation of trade union constituencies was impracticable and in which we found that

There has not been in point of fact any very marked difference between the proposals of various local Governments on this point. Where the election is to be indirect, whether in a trade-union constituency or in an unorganized labour constituency, an electoral roll must be prepared by the employer, whether the manager of a railway, a mine or a factory.

498. We recommend that in any labour constituency, whether trade union or special labour, an individual should be entitled to vote either at an election of candidates to an electoral college, in cases in which the seat is filled by indirect election, or direct in cases in which election is direct, subject to his satisfying the following conditions:—

- (1) that he has attained the age of 21 years and is a British subject or a subject of a prescribed Indian State;
- (2) that he has had a place of residence in the province for six months immediately preceding a date to be fixed by the local Government. Seamen should be exempted from this residential qualification;
- (3) in the case of a trade union constituency, that he belongs to a registered trade union included in the constituency, and that on the date of the preparation of the electoral roll, he has been a member of the union, and, in the case of an ordinary member, has paid up his subscription for the preceding twelve months. "Member" includes an honorary member or an official;
- (4) in the case of a special labour constituency, that he has been in continuous employment in a factory or a mine, on a railway, a dockyard or harbour, or in any other industrial establishment registered under the Indian Factories Act, or the Indian Mines Act, for a period of not less than 180 days in the twelve months preceding the date of preparation of the electoral roll, on a salary of not less than Rs. 10 or not more than Rs. 300 a month. This period it may be necessary to vary in accordance with the conditions prevailing in different provinces. In provinces in which there are no trade union seats, a member of a registered trade union in the constituency area should however be eligible for admission to the electoral roll of a special labour constituency.
- (5) that he is not employed in a clerical, supervisory, ~~executing~~, or administrative capacity (see paragraph 503 below).

499. We recommend further that in cases in which an individual possesses the qualifications which will entitle him to vote either in a trade union or in a special labour constituency in the same province, he should be eligible to be included in the electoral roll of one constituency only, the choice being left to him.

500. We wish finally to record that we are strongly in favour of direct election, whether in trade union or in special labour constituencies, unless there are quite decisive practical difficulties in arranging the rolls. There

495. A thorough audit such as we suggest in paragraph 493, of the accounts of any trade union, over a period of two years, should disclose all the particulars necessary to enable the tribunal to decide whether such trade union should be recognised as part of an electorate. In course of time we have no doubt that the seats which we now suggest should be assigned to "unorganised" labour will be converted by the necessary Order in Council into trade union seats. In the present state of affairs, and with a view to keep out bogus institutions, we consider that only such unions should be recognised for inclusion in the electorate as fulfil the following requirements:—

- (i) the trade union should have been in existence for two years and have been registered for one year before the date fixed for the preparation of the electoral roll;
- (ii) during the year preceding the preparation of the electoral roll, its membership should have not fallen below 250;
- (iii) the union must have complied with any rules under the Trade Unions Act providing for the inspection of books by the Registrar and for professional audit;
- (iv) its fulfilment of the preceding conditions should have been attested by the tribunal to be appointed by the Governor.

*Method of election to trade union seats.*

496. As noted above, trade unions vary internally, not only in efficiency but also in size, from the North-Western Railway Union in the Punjab, with a membership of 40,000, to those small unions, 32 of which were started in a hurry in order to provide a hopeful organiser with a claim justifying a trip to Geneva. The question whether the election should be by direct or indirect voting is therefore important. In the case of railway unions, which are the largest, it should be possible to hold direct elections with the assistance of the railway authorities. In the case of these unions there is a difficulty that they extend over two or three provinces; e.g., the Bengal Nagpur Railway Union has its headquarters in Bengal, with branches in Madras, Bihar and the Central Provinces. The East Indian Railway runs through four provinces. We are of opinion that the electoral registers must be confined to the province in which the union is registered, and that those members of the union who reside in other provinces should not be able to give their vote. We admit that this is unsatisfactory also as affecting the question of candidature. If the administration of the unions was placed on a more satisfactory basis as we have suggested above, we think it should be possible to allow the executive of the union or of a series of unions to select the member. But the time is not yet ripe for this.

*Qualifications of electors, and method of election, in labour constituencies other than a plantation labour constituency.*

497. We suggest that the qualifications for an elector in a labour constituency (other than a plantation labour constituency), with which we deal separately, should, so far as possible, be the same throughout India.

of trades unions, or their officials, should be eligible to stand as candidates in an unorganized labour constituency. Different qualifications both for the candidate and elector are proposed in the case of plantation labour seats with which we deal separately in paragraphs 548 to 569 below.

*Position of women.*

504. Our enquiries show that the number of women employed on factories or on the railways is negligible. Legislation debars their employment in the mines. It is not therefore necessary to prescribe any special qualifications in the case of women.

*Position of supervisory staff in relation to labour constituencies.*

505. The Indian Franchise Committee recommended (Report, paragraph 251) that the clerical and supervisory staff should be excluded from the electorate in special labour constituencies, but they expressed their readiness to admit foremen, sardars, jobbers, mistrys, and other persons of similar standing to the electoral roll. The Committee was divided as to the qualifications of candidates, but certain of its members thought it desirable to provide that sardars, jobbers, head jobbers and persons standing in a similar relation to workers should not be eligible to stand as candidates for special labour constituencies.

506. The question of the position of supervisory and clerical staff in relation to labour constituencies has attracted considerable attention in our investigations. We are strongly of opinion, in the light of the evidence tendered to us, and of the discussions which we have held, that it is desirable to exclude from the electoral roll in special labour constituencies, and so from candidature in any labour constituency, those persons who are employed on supervisory, recruiting, clerical or administrative work. It is not unfortunately practicable to frame a satisfactory schedule of the various types of employees who would come under the restriction we now suggest, since titles such as sardar, mistry, jamadar and the like imply different functions and duties in various provinces. All we can do is to indicate the general principle which we consider should be applied, and to leave it to the provisions of Governor's Rules to lay down in more precise detail the individuals to be so excluded. We recognize that difficulties may from time to time arise in border line cases, although as a rule they should not be serious. But to provide for such border line cases, we consider that where the registering officer or the returning officer is in any doubt on the question whether an individual should or should not be admitted to the electoral roll or to candidature in a special labour constituency, the matter should be referred to the Governor, whose decision in his discretion should be final.

*Provincial proposals.*

507. The proposals of the different provinces for the allocation of their labour seats, and the nature of the constituencies to be formed, with our recommendations on them, are as follows :—

**MADRAS.**

508. Six seats have been set aside in this province for representatives of labour. The total membership of registered trade unions in the

election, other considerations apart, has the great advantage of establishing contact between the constituent and his member in a way which is not practicable in the case of indirect election. Save in the case of certain constituencies in Bombay, and in Bengal, we have accordingly recommended direct election in the trade union constituencies. In all provinces in which there are special labour constituencies, we recommend that election should be direct.

*Qualifications of candidates.*

501. In provinces in which there are both trade union and special labour constituencies, a candidate should be required to have attained the age of 25 years; to satisfy the other conditions laid down in the Fifth Schedule to the Government of India Act; and to be an elector either in the constituency for which he stands or in any other labour constituency in the province.

502. In provinces in which there are no trade union seats, such as Orissa, a candidate should be required to have satisfied the same conditions as in those provinces in which there are both trade union and special labour constituencies. We recommend, however, in addition, that honorary members or officials of registered trade unions in such provinces who satisfy the requirements set out in paragraph 498 above, should also be eligible to stand as candidates in the special labour constituencies. In the case of the first election an honorary member or official as defined in the Trade Unions Act should be required to have been connected with a recognized trade union for a period of twelve months previous to the date fixed for the preparation of the electoral register, in order to ensure, if he is standing for a trade union constituency, that he is thoroughly conversant with the working of the union, and in any event that he has had sufficient time to become familiarized with the labour force. In subsequent elections it might be wise to extend this period to two years. We would fix the deposit to be required from candidates at Rs. 250 except in the case of those candidates who are genuine manual workers in which we would fix it at Rs. 50. We recognize that the qualification we suggest may in most cases have the effect of requiring honorary members or officials of trade unions to pay the higher rate. But our object is essentially to facilitate candidature by persons directly engaged in industrial labour, and with this object in view, the case for the differentiation in question is, in our view, a good one.

503. The arrangements which we propose will admit of trade union officials standing for a special labour seat. We are aware that some local governments consider that they should not be allowed so to stand, while in Volume III of our Report will be found representations from the Madura Labour Union and the Buckingham and Carnatic Mills Employees' Union in Madras showing that this proposal has its opponents also in the ranks of labour. Nevertheless, after hearing witnesses who appeared on behalf of trade unions, some of whose evidence will be found in Volume III of our Report, and having regard to the great difficulty that might be experienced in some provinces in obtaining an efficient representative from the ranks of unorganized labour, we consider that honorary members

are members of trade unions". They accordingly recommended that all the six seats should preferably be assigned to special labour constituencies, and their views were accepted by the local Government, who remarked that "in most cases the unions now in existence are not representative of the industry as a whole..... Amongst industrial workers opinion is divided on the question whether unions should be recognised as constituencies. The members of the unions constitute a very small proportion of the workers in any industry. Most of the unions are managed in a manner which can only be regarded as unsatisfactory". They held definitely the view that registered trade unions in the Presidency could not be relied upon to return representatives who would have the confidence of labour as a whole.

*Our recommendations.*

511. We feel that there is much force in certain of the criticisms of trade union organization in the Madras Presidency advanced by the Provincial Delimitation Committee and by the local Government. We can not, for all that, feel satisfied that there is any justification for refusing to allot some at any rate of the labour seats in the future Legislative Assembly to trade union constituencies. The number of members of registered trade unions is, as stated above, very large. Admittedly those unions are scattered, the interests which they represent are to some extent diverse, and we agree that no case can be established in present conditions either for trade union constituencies to cover all those areas in the Presidency which contain registered trade unions, or for the allocation of any substantial number of labour seats to trade union constituencies. After exhaustive discussion with the local Government and with the Provincial Committee, and in the light of the evidence tendered to us at Madras, we are however of opinion that two seats should be allotted to trade unions. We would assign the first to registered railway trade unions in the Presidency, with an electorate consisting of some 15,000 voters, and the second to registered trade unions of textile workers in the City of Madras, with a voting strength of approximately 3,000.

*(b) Special labour constituencies.*

512. There remain for allocation four seats, and we agree that these four seats should be filled from special labour constituencies of the type envisaged by the Indian Franchise Committee, the electors in which should possess the qualifications set out in paragraph 498 of our Report. There has throughout been no material difference of opinion in Madras as to the interests to which these seats should be assigned, and we recommend, in accordance with the general view of the local Government and of the Committee, that they should be assigned as follows:—

- (1) Textile workers in Coimbatore and Malabar ;
- (2) Dock and factory labour (excluding textile and railway labour) in the City of Madras and the district of Chingleput ;
- (3) Dock and factory labour in certain centres in the districts of Vizagapatam and East Godavari ;
- (4) Factory labour in certain selected centres in the districts of West Godavari, Kistna and Guntur.

province at the end of 1934 was 24,998, comprised in 32 unions. Of these 18 were in Madras City, with a total membership of 18,436, the Madras and Southern Mahratta Railway Employees' Union and the Madras Textile Mill Workers' Union respectively accounting for 11,982 and 2,875 out of this total. The average number of workers in registered factories in 1933 was 138,000 ; the approximate number of persons employed on plantation labour was over 100,000.

509. The question of the constituencies to be formed to fill the seats allotted to labour in the presidency of Madras has been the subject of very close investigation both by the Provincial Delimitation Committee and by the local Government. The main questions in issue have throughout been—

- (a) whether any, and if so how many, seats should be assigned to trade union constituencies, and the electorate in such constituencies ;
- (b) the electorate for the seats to be filled from special labour constituencies.

*(a) Trade union constituencies.*

510. The Labour sub-committee of the Provincial Committee, bearing in mind the terms of the reference made in paragraph 128 of the Joint Select Committee's Report to the nature of the constituencies to represent labour, originally, though with considerable diffidence, suggested that one seat should be allotted to trade unions. The Provincial Committee recommended that the number of trade union seats should be increased to two, and that the second should be allotted to textile trade unions in certain districts. The local Government, differing from their Committee, expressed the view, however, in publishing its recommendations in the press, that " trade unions should not be recognized as constituencies for the election of representatives of labour, partly for the reason that trade unions are not yet sufficiently established in the various industries in this country, and partly for the reason that a system of representation through trade unions is foreign to the political system from which the Indian constitution is derived ". They expressed the view that, even though trade unions were not given direct representation, the unions would nevertheless " bring their influence to bear on elections in labour constituencies, and that members of trade unions would come forward as candidates in those constituencies ". The Provincial Committee, after consideration of the representations received from the public, and of the views expressed by the local Government, accepted those views, and recorded that their previous recommendation in favour of allotting two seats to trade unions " was prompted largely by what it regarded as the almost mandatory terms of the Joint Parliamentary Committee's recommendation on the subject ", and that in their opinion, unless it was mandatory to create trade union constituencies, it was undesirable to allot any seat or seats to trade unions in view of the differences of opinion on the subject in the labour force itself, " the indifferent manner in which many of the unions are managed, and the comparatively small number of employees in organized industries who

dency are not in some respects at the present moment defective, we are of opinion that, broadly speaking, they are sufficiently well organized and sufficiently representative in character to have a right to claim the bulk, if not all, of the seats assigned to labour in the Presidency under the Government of India Act, and, as already stated, that view is strongly held by the local Government, by the Provincial Delimitation Committee, and, so far as we can judge, by the general public.

*Proposals of the local Government.*

517. The specific recommendations advanced to us were that the seven seats available should be assigned to the following trade union constituencies :—

Serial No.	Title.	Membership.	No. of seats.
1	Gujarat Textile Labour Unions .. .. ..	27,000	1
2	Bombay City and Suburban Textile Labour Unions ..	3,835	1
3	Deccan and Karnatak Textile Labour Unions ..	214	1
4	Railway Unions in the Presidency .. .. ..	21,484	2
5	Registered Trade Unions of Seamen, Dock workers and Port Trust employees .. .. ..	28,060	1
6	Remaining Trade Unions .. .. ..	7,561	1

*Our recommendation.*

518. We agree, after full discussion with the Provincial Delimitation Committee and with the Government of Bombay, that a case has been established for the allocation proposed in (2), (4) and (5) above. As regards the Gujarat Textile Trade Unions, we are of opinion, after careful examination with the local Government that two seats instead of one should be allotted to textile unions in Ahmedabad. Of these the most important is the Ahmedabad Textile Labour Association. This body, though it has only recently been registered, is, we understand, well-organized and well-run. It has a membership of over 24,000 and it has a good record in connection with the textile labour force in Ahmedabad.

519. There remains one seat for disposal. Under the local Government's recommendation, this would have been allotted to the Deccan and Karnatak Textile Labour Unions. We found it impossible to justify the allocation of a separate seat to organizations which were still in so early a stage of development, and the membership of which was no more than 214, more particularly when in the Sholapur area, which would be covered by the seat in question, there are some 18,000 persons in perennial factories who are not covered by any registered trade union. The area in question appears to us to be in an eminent degree the type of area which the Indian Franchise Committee had in mind when they observed in paragraph 246 of their Report that " It would . . . in our view be contrary to the interests of the labour population as a whole to prescribe

The electorate in the first constituency will be some 23,000 ; in the second approximately 14,000 ; in the third 9,000 ; and in the fourth 5,000. We may add that, before formulating our conclusions, we discussed with the local Government whether it was possible to form a plantation labour constituency, and we agreed with them, in the light of their explanations, that this was not practicable. We have given careful consideration to the manageability of the constituencies which we propose, whether trade union or special labour. We are satisfied that they should be manageable. Election will in all cases be direct.

#### BOMBAY.

513. Seven seats have been set aside in this province for representatives of labour. There are 43 registered trade unions in Bombay with a membership of 89,000. There are in addition 16,000 workers in unregistered trade unions. The average number of workers in perennial factories in Bombay is some 322,000.

514. The question of the representation of labour is one of particular importance in Bombay, with its very large industrial population and the serious labour problems to which a large and concentrated industrial population inevitably from time to time gives rise. The Bombay Government have always taken a close interest in labour questions. They have for many years maintained a special Labour Bureau, and an organized system of compiling labour statistics, and they are in close touch with labour developments.

515. In contrast to Madras, opinion in the Presidency of Bombay, both public and official, has consistently been very strongly in favour of filling the seats allotted to labour exclusively from trade union constituencies. Not only have trade unions reached a relatively high degree of development in Bombay, but the local Government, whose view appears to have general support, are strongly of opinion that, in the conditions of the Presidency, special labour constituencies are not practicable. The main arguments advanced by them against special labour constituencies are, it may be added, firstly that if they were provided in addition to trade union constituencies (and admittedly there must be a certain number of trade union constituencies), they would add little to the number of labourers who would be enfranchised either in ordinary territorial constituencies or in trade union constituencies ; and secondly, that so large a proportion of the industrial workers in Bombay is employed in seasonal factories, for periods too short to enable them to satisfy the electoral requirement that they should have been continuously employed for the six months prior to the preparation of the electoral roll, that the system of special labour constituencies would be inappropriate.

516. As indicated above, we share the view of the Royal Commission on Indian Labour and of the Indian Franchise Committee that, where well organized and representative trade unions are in existence, they form the most satisfactory basis of representation for labour. While not entirely satisfied that the registered trade unions in the Bombay Presi-

## BENGAL.

522. Eight seats have been set aside in this province for the representation of labour. The industrial population of Bengal appears to exceed a million people. In the year ending 31st March 1934, there were 46 registered trade unions in Bengal, with a membership of 80,000. In the year 1934, the average number of workers in factories was 480,000. Of these 429,000 were employed in perennial factories, no fewer than 393,000 of that number being in the metropolitan manufacturing area.

*Proposals of the local Government.*

523. While Madras were strongly opposed to the creation of any trade union constituency, and Bombay almost equally strongly opposed to special labour constituencies, opinion in Bengal has consistently supported the allocation of a small number of seats to trade union constituencies, the bulk of the labour seats being allotted to special labour constituencies. The Committee and the local Government have throughout been of opinion that two seats should be allotted to constituencies consisting of registered trade unions, and that the remaining six should be assigned to special labour constituencies, one of which should be set aside for plantation labour.

*The trade union seats.*

524. We deal first with the trade union seats. Having regard to the large number of members of registered trade unions in the Presidency of Bengal, the proposal to allot two seats for trade union constituencies may, at first sight, appear inadequate; and while that proposal has the support of the local Government, of the overwhelming majority of the Provincial Committee, and, so far as we can judge, of public opinion generally in the Presidency, trade union leaders in Bengal have strongly urged that at least four seats should be allotted to registered unions. The local Government inform us, however, that they have approached this question from the point of view that their duty is to devise the best possible method of representing labour; that they have proceeded on the basic assumption, as to the correctness of which we entirely agree, that "in the allotment of labour seats, whether in territorial or registered trade union constituencies, . . . . the labour must be sufficiently well organised to permit of its making workable as well as representative constituencies"; that they are strongly of opinion that direct representation is the best method in the conditions of Bengal; and that, as direct representation can be arranged so as to cover the major part of labour employed in factories in the Presidency, special labour constituencies are preferable to trade union constituencies as the basis of representation. An additional argument advanced by them is that the constituencies which they propose are so framed as to cover all important classes of labour in Bengal, and that the main classes of labour which are not represented in the special labour constituencies can be represented through the registered trade union seats. They recommend that the two trade union seats should be allotted, one to registered unions of railway workers, with a membership of some 40,000, and the second to registered unions

representation through trade unions as the sole method of representation of labour and to offer them no alternative. There are cases where trade unions do not exist, or are too weak to be entrusted with the function of representation". After examination of the rival claims of the trade unions in Bombay, with a membership of 7,561, which would not be covered by any of the seats already referred to, we unhesitatingly reached the conclusion that the claims to labour representation of the Sholapur area were incontestable. We accordingly expressed the view to the Government of Bombay that the seventh labour seat should be assigned to a special constituency of unorganized textile labour in Sholapur City, and, after discussion with us, they have accepted our suggestion.

520. The following tabl shows th constituencies which we recommend.

Serial No.	Title.	Membership.	No. of seats.
1	Textile labour unions in Ahmedabad ..	27,000	2
2	Bombay City and Suburban Textile labour Unions .. ..	3,835	1
3	Railway Unions in the Presidency of Bombay (excluding the Port Trust Railway) ..	21,484	2
4	Registered Trade Unions of seamen, dock workers, and Port Trust employees ..	28,060	1
5	Sholapur special labour constituency ..	15,000	1

*Method of election.*

521. Election will be direct in the first two constituencies and in the Sholapur special labour constituency. It will be indirect in constituencies Nos. 3 and 4. The local Government are strongly in favour of an electoral college of delegates selected by the trade unions forming the constituency, and they originally contemplated that the detailed arrangements for the election should be left to the trade unions concerned. In deference to our objections, they now agree that the Registering and Returning Officers in labour constituencies should be officers of Government. After discussion with them, though with some hesitation, we accept their proposal for the method of election. We may add that the local Government informed us that they saw strong objection to election by the executive of trade unions, and that they were in entire agreement with us as to the desirability of strengthening the provisions of the Trade Unions Act, so as to place Government in a position to obtain reliable information as to the strength, composition and financial stability of the unions to be included in a trade union electorate. They saw no strong objection to requiring that even on the occasion of the first election under the new constitution, a registered trade union should be required to have been in existence for not less than a year in order to qualify for inclusion in the electorate.

date fixed for the preparation of the electoral roll. Representations have, it is true, been advanced suggesting on the one hand that all the seats should be allotted to trade unions, and on the other that they should be assigned exclusively to special labour constituencies. We agree however with the local Government that, in the conditions of the United Provinces, in which there are only some five registered trade unions, with the relatively small membership referred to above, there is no case for establishing more than one trade union constituency, more particularly as the trade unions in question are, we are informed, poorly organised.

*The special labour constituencies.*

530. The local Government propose that one of the special labour constituencies should be assigned to the representation of industrial factory labour in Cawnpore, which is the chief industrial centre of the province, with some 40,000 factory employees, and one to the representation of industrial labour in the four cities of Lucknow, Agra, Aligarh and Allahabad. These proposals have been generally accepted in the province, and we regard them as suitable. Election in these constituencies will be direct. The electorate in the Cawnpore constituency would be about 35,000, and in the Lucknow, Agra, Aligarh, Allahabad constituency about 26,000. The electorate will be confined to labourers employed in registered factories in the constituency area.

531. We may record that the local Government favour the establishment of a tribunal on the lines suggested by the Royal Commission on Indian Labour, and that they are equally in favour of tightening up the law in regard to the inspection of trade unions, and of requiring an annual Government audit of trade unions.

**THE PUNJAB.**

532. Three seats are reserved for representatives of labour in this province. The Punjab contains one very large registered trade union, *viz.*, the North Western Railway Union, the membership of which is understood at the present time to be some 40,000. There are in addition a number of small trade unions of minor importance. The average number of workers employed in registered factories in 1933, the last year up to which figures are available, was 48,000, of whom some 18,000 appear to have been employed in seasonal factories.

*The trade union constituency.*

533. The local Government, in agreement with their Provincial Committee, propose to allot one seat to registered trade unions and two to special labour constituencies. We heard considerable evidence from representatives of labour organizations in the province on the questions, first of the adequacy of the representation proposed to be allotted to trade unions, and secondly of the electorate for the trade union seat or seats. We have very carefully investigated the position of the various trade unions in the province, their membership, the period for which they have been in existence, and the extent to which they can be regarded as properly representative. We have as a result reached the conclusion that the proposal of the local Government to allot one seat to a registered trade

of water transport workers, with a membership of some 25,000. These two classes of union cover 65,000 out of 79,000 workers in registered unions in Bengal.

*Our recommendation.*

525. We gave special attention to the question whether a case did not exist for assigning a large number of seats to registered trade unions : but after discussion with the local Government and with witnesses who appeared before us, we are of opinion that the local Government's proposals are the right ones and we recommend them for acceptance.

*The special labour constituencies.*

526. The local Government recommend that the six remaining labour seats should be allotted to special labour constituencies, three of which should be assigned to factory workers in specified districts, one to colliery workers, one to registered factories in Calcutta and the Sadar sub-division of the 24-Parganas district, and one to plantation labour in the Jalpaiguri and the Darjeeling districts. We deal separately below with the seat assigned to plantation labour. In all other respects, we regard the proposals of the local Government, which appear to have general support in the province, as suitable, and we recommend them for adoption. A detailed statement of the constituencies will be found in Appendix V of Volume II of our Report.

527. The local Government propose to appoint officials as Registering and Returning officers in the labour constituencies, whether trade union or special labour. As regards the method of election, they strongly urge that in the case of trade unions, election should be by the executive, the weightage to be given to a union to depend on the number of its members, who satisfy certain requirements, and who have paid up their subscriptions, over a given period. We are not wholly satisfied that this is a satisfactory course. But in deference to the strongly expressed view of the local Government, we are prepared to accept it. Election, in the case of the special labour constituencies will be direct.

**THE UNITED PROVINCES.**

528. Three seats have been assigned to representatives of labour in the United Provinces. There were five registered trade unions in the United Provinces in the year ending 31st March 1934, with a total membership of some 8,000. In 1934, the average number of workers employed in registered factories was some 113,000.

*The trade union constituency.*

529. The local Government, whose views are generally accepted by the Provincial Committee, propose to allot one seat to registered trade unions, to comprise all the registered trade unions in the province, and two to special labour constituencies. Election in the trade union constituency would be direct, by an electorate consisting of those members of the union who have paid their subscription for a year previous to the

to persons employed in registered factories and mines in the following districts :—

- (a) Jullundur, Amritsar, Gurdaspur.
- (b) Jhelum, Rawalpindi and Attock.

The total electorate in the first constituency is estimated at some 5,500 and in the second constituency at some 4,600. Election would be direct. The local Government, while they still remain of opinion that their own proposals are preferable, are prepared to accept the constituencies in question, and we accordingly recommend them for acceptance.

We would add that the local Government agree as to the desirability of making special provision on the lines referred to in paragraph 493 of our Report, and that the Registering and Returning Officers in all these constituencies will be officers of Government.

#### BIHAR.

536. Three seats are assigned to labour in the Bihar Legislative Assembly. One seat in the Federal Assembly is also allotted to Bihar labour. In the year ending 31st March 1934, there were four registered trade unions in Bihar and Orissa with a total membership of between 4,000 and 5,000. The total membership at the present time appears to be rather more than 8,000. The average number of workers in registered factories in the province in 1934 was 72,000. Bihar contains one large industrial centre, Jamshedpur, while there are also important mining interests in the districts of Manbhum and Hazaribagh.

#### *Proposals of the local Government.*

537. The local Government recommended to us that all three seats should be assigned to special labour constituencies. We formed the opinion, however, that, small as was apparently the relative importance of the registered trade unions in the province, it was desirable at any rate to try the experiment of creating a trade union constituency, and we strongly urged this on the local Government, with particular reference to the possibility of basing a constituency either on the Jamshedpur Metal Workers union, with a membership of about 2,000, or on the mining unions in the Dhanbad sub-division, which claim a membership of about 6,700.

538. In the circumstances described in paragraph 487 above, the local Government regard it as impracticable to create a trade union constituency in Jamshedpur, and we accept their view. They would still prefer to fill all three seats in the Provincial Assembly from special labour constituencies, and they are not in favour of establishing any trade union seat. They remark that though the number of trade union members has increased since the date of the enquiries of the Indian Franchise Committee, "it is not certain that the unions are really stable and permanent bodies. Past experience shows that their fall is often more rapid than their rise. The local Government do not therefore think that the representation of labour through trade unions will be so real as through special constituencies. However if the Committee insist on a trade

union constituency is the right one. As regards the electorate for the seat in question, we are of opinion that the right course is to assign the seat to the North Western Railway Union, subject to its complying with the requirements suggested in paragraph 495 above. We would, however, in accordance with the view expressed in paragraph 496 above, confine the electorate to members of the union who have a residence in the Punjab, and we would exclude members who are resident in other provinces. It will, we think be agreed that for a provincial seat such as is now under consideration, this is the only proper course. We felt some doubt as to whether we should not extend the constituency so as to include all registered trade unions in the province. But in the first place, we do not regard any of the trade unions in question as of such a standing, or of such stability, as to form a very suitable element in a labour electorate, and it is in any case inevitable that the trade union constituency, given the size and importance of the North Western Railway Union, should be dominated by that union.

*The special labour constituencies.*

534. The local Government are opposed to the enfranchisement of seasonal labour, and we accept their view that the administrative and other difficulties in enfranchising labour of this class are decisive. The constituencies which they originally proposed to us, with the concurrence of the Provincial Committee, covered in one case (East Punjab Labour Constituency) eighteen districts of the province, and contained an estimated electorate of some 22,000. The second constituency covered eleven districts and had an estimated electorate of some 20,000.

*Our recommendation.*

535. In our view the right course in dealing with the seats reserved for labour, as with the seats reserved for women, is to aim at devising compact and manageable constituencies on such a basis that a representative electorate will return a representative member to the provincial Assembly. Constituencies scattered in one case over eighteen districts, and in the other over eleven districts, each of these districts containing a number of scattered labour units of varying size, do not, in our view, conform to these principles, and we are unable to regard them as suitable. We accordingly examined the matter in close detail with the Punjab Government, who urged that the difficulties which we anticipated might be less substantial than at first sight appeared, since a candidate would probably be put up by a particular political party, which would pay his expenses and enable him to travel round the whole of his constituency. That may well be so. But it does not remove the objection we see to constituencies of the type now under consideration. It is extremely difficult in a scattered constituency, composed of small units, for the electorate to make its wishes and desires felt, and, unless at the cost of a large expenditure of time, energy and money, it is equally difficult for even the most enthusiastic member to remain continually in touch with the various currents of opinion among his constituents. In these circumstances, after discussion with the local Government, we recommend that the constituencies should be confined

541. We may record that the local Government were not in favour of establishing a tribunal such as that proposed by the Royal Commission on Indian Labour, a course for which they saw no necessity. Their argument proceeds on the assumption that the weightage appropriate to trade unions could be summarily assessed by the local officers of Government, an assumption which we are unable to accept. The local Government agreed that a Government official should be appointed as the Registering and Returning Officer.

#### THE CENTRAL PROVINCES AND BERAR.

542. Two seats are set aside in this province for representatives of labour. The industrial labour force of the province is stated to be about 128,000, but the number of persons employed in factories and mines which are subject to the provisions of the Indian Factories and the Indian Mines Acts, does not apparently exceed some 47,000. Of these some 29,000 are in regulated non-seasonal factories, and some 18,000 in mines. There are some fifteen registered trade unions with a total membership of about 9,000.

#### *Proposals of the local Government.*

543. Considerable discussion has taken place in the Central Provinces as to the desirability of according any representation to trade unions. The majority of the Provincial Committee were of opinion that trade unions had not yet sufficiently advanced to justify the allocation to them of even one seat, and a further consideration which carried weight with them was the danger that if one of the two seats available were to be allotted to trade unions, and one seat only were to be left available for unorganized labour throughout the province, the unorganized labour constituency would be unmanageable. The local Government, owing to the small proportion of labour which was organized, more particularly in industries other than the textile industry, agreed generally with the Provincial Committee that the right course was to assign both the labour seats to special labour constituencies, and to fill them by direct election, though they added that it would be necessary to review the basis of the electorate at some future period if trade unions developed. The two special labour constituencies which they recommended in these circumstances were based on workers in registered mines and workers in registered perennial factories. The first was estimated to contain some 18,000 voters and the second some 9,000 voters.

#### *Our recommendations.*

544. Here, as elsewhere, where in our view registered trade unions existed of a sufficient degree of stability to justify their employment as the basis of a constituency, we felt it our duty to investigate fully the practicability of establishing a trade union constituency. Considerations which carried weight with us were in the first place that a not unsubstantial minority in the Provincial Delimitation Committee had strongly urged the desirability of representation for trade unions, and secondly, that the provincial Legislative Council, in the debate in which the proposals of the Provincial Delimitation Committee were discussed,

union constituency, the local Government would agree to one such constituency, .... but it is not to be thought that they recommend this mode of election or give their cachet to this method of popularizing these bodies". The constituency which the local Government express their readiness in these circumstances to accept would be based on the trade unions in the Dhanbad sub-division referred to above.

539. We greatly regret that in the case of an important labour centre such as the Jamshedpur-Monghyr-Jamalpur area, there should be no trade union sufficiently representative, and with a sufficient prospect of permanence, to justify us in recommending its adoption as a basis of a constituency. While recognizing the local Government's strong preference for special labour constituencies, we are nevertheless of opinion that there is justification, given the size of the trade union electorate in Dhanbad, for allotting one trade union constituency to that area.

540. As mentioned above, one seat is allotted to Bihar labour in the Federal Assembly. The local Government, in agreement with their Provincial Committee, have suggested to us that this seat should be included in a rotating series with the three seats allotted to labour in the provincial Legislative Assembly, and that it should be assigned on the occasion of the first election to the representation of mining labour in the Manbhum area. We have indicated elsewhere the strong objections of principle which as a general rule we see to rotation. But in the light of our discussion with the local Government, we do not press those objections in the case of the Bihar labour seats, and we think that there would be advantage in an arrangement such as is proposed, which would have the beneficial effect of making separate representation available for labour in all the important industrial areas of the province. We accordingly recommend that the local Government's proposal be accepted. The precise arrangements contemplated for the rotation of these seats are set out in Appendix IX in volume II of our Report. Consequent on our acceptance of the proposed trade union constituency for the Dhanbad area, which will cover the mining labour in the Manbhum district, we propose that the trade union seat which we recommend for Bihar should be that to be allotted to the Federal Assembly on the occasion of the first election. Our specific recommendations for the four labour seats in Bihar are in these circumstances as follows:—

*Special labour constituencies.*

(1) Jamshedpur factory labour .. ..	1 seat
(2) Monghyr-Jamalpur factory labour .. ..	1 seat
(3) Hazaribagh mining labour .. ..	1 seat

*Trade union constituency.*

(4) Registered mining and colliery trade unions in the Dhanbad sub-division .. ..	1 seat
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The estimated number of voters in those constituencies is 23,000, 9,000 and 18,000 and 6,000 respectively. Election will be direct.

honorary members and officers of such unions, would be eligible for admission to the electoral roll. The electorate would be in the neighbourhood of 10,000.

#### PLANTATION LABOUR : ASSAM AND BENGAL.

##### *The composition of the constituencies.*

548. The Government of Assam, on the recommendation of their Provincial Franchise Committee, propose to allocate the four labour seats to tea garden labour. We received several protests against the exclusion of railway employees, of factory workers, and of the labour force in the collieries and oil-fields in Lakhimpur district. It was also pointed out that nearly one-sixth of the population of the Assam Valley consists of *ex-tea* garden labourers, and that these deserved the franchise for the labour seat as much as those who are at present working on the tea gardens.

549. An examination of the population statistics, however, shows that industrial labourers are widely scattered throughout the province. There is no trade union of any kind, and though there may be some six thousand workmen in the collieries and oilfields, these are for the greater part not permanent workers, but, in the case of skilled labour, foreigners employed for a limited period. The unskilled portion of that labour force comes from precisely the same class as those employed in the tea gardens. The collieries and the oil fields recruit from the same tribal areas. It is possible that, in the future, trade unions may develop, and that this widely scattered labour force may create various representative organisations, possibly as branches of similar agencies in Bengal, which may include workers in rice mills and other small factories. But at present, and for many years to come, the great tea industry, on which it is no exaggeration to say that the prosperity of the province depends, must dominate all other forms of labour. We agree with the Indian Franchise Committee that other industrial labour in Assam is "of negligible importance and does not need special representation". As regards the "*ex-tea* garden population" many of these will be qualified, having taken up land, to vote in a general constituency. The four seats should therefore be allotted to tea garden labour, but the method of election does indeed, as was noted by that Committee, "present problems of special difficulty". It is necessary to deal with them in some detail.

##### *Description of the electorate.*

550. There are over a thousand tea gardens in Assam, with a population of 980,000, who in the "Payment of Wages Bill" now before the Legislative Assembly are classed as industrial workers, though their work is predominantly agricultural. The Census report of 1931 gave the working population on the tea gardens as 334,661 men and 316,000 women. To quote the Report of the Royal Commission on Labour—

"There are powerful organisations of employers.... The workers on their side have no effective means of meeting this owing to the absence of cohesion among them. This is due to a number of causes, among

had recorded a vote in the same sense in favour of allotting one seat to trade unions. The local Government, with whom we discussed the matter at length, are still disposed to think that there would be advantage in their own original recommendation that the labour seats should be assigned to two special labour constituencies which would include both trade union and non-trade union labour. But they intimated to us, in the light of our discussion with them, that they would be prepared to accept an arrangement under which one seat was allotted to a compact constituency of registered trade unions, and the second to factory labour in selected districts. We regard this arrangement as suitable, and we recommend it for acceptance. The trade union constituency will be based on the Nagpur Municipality, and it is estimated that the electorate will contain some 4,000 voters. The factory labour constituency will be assigned to the Jubbulpore district, and will contain an electorate estimated at 5,500. The Registering and Returning Officers will be officers of Government, and election will be direct in both the constituencies.

#### ASSAM.

545. Four seats are assigned to Labour in the Assam Provincial Assembly. It has throughout been contemplated that they shall be allotted to the representation of plantation labour, and we deal with the qualifications of electors and of candidates in the section of this Chapter which is devoted to that question.

#### ORISSA.

546. One seat is assigned to labour in Orissa. In agreement with the Provincial Delimitation Committee and the local Government, we recommend that the electorate for it should be composed of the workers in all registered factories and mines throughout the province, election being by ordinary ballot, which would be carried on at the general election simultaneously with the territorial elections. There are no trade unions in Orissa which could be used as the basis of a constituency, and we are satisfied that the arrangement which we now recommend is that which best corresponds to the position and needs of the province.

#### SIND.

547. One seat is allotted to labour in Sind. There are eleven registered trade unions in the province. Eight of these are unions of menial workers, and three only have a membership in excess of 500. The Provincial Delimitation Committee and the local Administration have examined in some detail various methods of filling this seat. There is general agreement that trade unions in the province are insufficiently advanced to make them a possible basis, and we accept this view. In the light of discussion with the Provincial Committee and the local Government, and after consideration of the representations, both written and oral, addressed to us, we recommend that the constituency should be composed of workers in factories registered under the Indian Factories Act in the headquarters towns of the province together with the town of Shikarpur. In addition to workers in the factories in question, members of registered trade unions connected with factory, labour, and also

honorary members and officers of such unions, would be eligible for admission to the electoral roll. The electorate would be in the neighbourhood of 10,000.

#### PLANTATION LABOUR : ASSAM AND BENGAL.

##### *The composition of the constituencies.*

548. The Government of Assam, on the recommendation of their Provincial Franchise Committee, propose to allocate the four labour seats to tea garden labour. We received several protests against the exclusion of railway employees, of factory workers, and of the labour force in the collieries and oil-fields in Lakhimpur district. It was also pointed out that nearly one-sixth of the population of the Assam Valley consists of *ex-tea* garden labourers, and that these deserved the franchise for the labour seat as much as those who are at present working on the tea gardens.

549. An examination of the population statistics, however, shows that industrial labourers are widely scattered throughout the province. There is no trade union of any kind, and though there may be some six thousand workmen in the collieries and oilfields, these are for the greater part not permanent workers, but, in the case of skilled labour, foreigners employed for a limited period. The unskilled portion of that labour force comes from precisely the same class as those employed in the tea gardens. The collieries and the oil fields recruit from the same tribal areas. It is possible that, in the future, trade unions may develop, and that this widely scattered labour force may create various representative organisations, possibly as branches of similar agencies in Bengal, which may include workers in rice mills and other small factories. But at present, and for many years to come, the great tea industry, on which it is no exaggeration to say that the prosperity of the province depends, must dominate all other forms of labour. We agree with the Indian Franchise Committee that other industrial labour in Assam is "of negligible importance and does not need special representation". As regards the "*ex-tea* garden population" many of these will be qualified, having taken up land, to vote in a general constituency. The four seats should therefore be allotted to tea garden labour, but the method of election does indeed, as was noted by that Committee, "present problems of special difficulty". It is necessary to deal with them in some detail.

##### *Description of the electorate.*

550. There are over a thousand tea gardens in Assam, with a population of 980,000, who in the "Payment of Wages Bill" now before the Legislative Assembly are classed as industrial workers, though their work is predominantly agricultural. The Census report of 1931 gave the working population on the tea gardens as 334,000 men and 316,000 women. To quote the Report of the Royal Commission on Labour—

"There are powerful organisations of employers.... The workers on their side have no effective means of meeting this owing to the absence of cohesion among them. This is due to a number of causes, among

had recorded a vote in the same sense in favour of allotting one seat to trade unions. The local Government, with whom we discussed the matter at length, are still disposed to think that there would be advantage in their own original recommendation that the labour seats should be assigned to two special labour constituencies which would include both trade union and non-trade union labour. But they intimated to us, in the light of our discussion with them, that they would be prepared to accept an arrangement under which one seat was allotted to a compact constituency of registered trade unions, and the second to factory labour in selected districts. We regard this arrangement as suitable, and we recommend it for acceptance. The trade union constituency will be based on the Nagpur Municipality, and it is estimated that the electorate will contain some 4,000 voters. The factory labour constituency will be assigned to the Jubbulpore district, and will contain an electorate estimated at 5,500. The Registering and Returning Officers will be officers of Government, and election will be direct in both the constituencies.

#### ASSAM.

545. Four seats are assigned to Labour in the Assam Provincial Assembly. It has throughout been contemplated that they shall be allotted to the representation of plantation labour, and we deal with the qualifications of electors and of candidates in the section of this Chapter which is devoted to that question.

#### ORISSA.

546. One seat is assigned to labour in Orissa. In agreement with the Provincial Delimitation Committee and the local Government, we recommend that the electorate for it should be composed of the workers in all registered factories and mines throughout the province, election being by ordinary ballot, which would be carried on at the general election simultaneously with the territorial elections. There are no trade unions in Orissa which could be used as the basis of a constituency, and we are satisfied that the arrangement which we now recommend is that which best corresponds to the position and needs of the province.

#### SIND.

547. One seat is allotted to labour in Sind. There are eleven registered trade unions in the province. Eight of these are unions of menial workers, and three only have a membership in excess of 500. The Provincial Delimitation Committee and the local Administration have examined in some detail various methods of filling this seat. There is general agreement that trade unions in the province are insufficiently advanced to make them a possible basis, and we accept this view. In the light of discussion with the Provincial Committee and the local Government, and after consideration of the representations, both written and oral, addressed to us, we recommend that the constituency should be composed of workers in factories registered under the Indian Factories Act in the headquarters towns of the province together with the town of Shikarpur. In addition to workers in the factories in question, members of registered trade unions connected with factory, labour, and also

553. We have dealt with this matter at some length in order to describe the electorate which it is proposed to enfranchise. In Orissa (paragraph 612), in the Central Provinces (paragraph 611) and in Madras (paragraph 609) the local Governments recommend nomination for the seats allotted to backward areas and tribes in preference to election, though by way of contrast the aborigines in Bihar prefer reserved seats in general constituencies (paragraph 613). It may be said that probably the best and more civilized labourers come from the districts of Chota Nagpur in Bihar, where we ourselves were favourably impressed by the intelligence of the witnesses who appeared before us.

*The problem.*

554. The problem therefore before us is this: Is it possible, under existing conditions, to create an electorate which can from within its own ranks produce candidates "able to voice the desires and aspirations of labour, and to translate these into concrete proposals"?\*

555. Both in Assam and Bengal a restriction of candidature is considered absolutely essential. Under the proposals of the Assam Government a candidate must be taken from the ranks of the electors. He must be a manual worker permanently employed on a tea garden, who "habitually resides within the boundaries of that garden or upon land provided for the purpose by the owners of the garden". In Bengal, while the candidate's name may be included "in the electoral roll of the constituency or of any other constituency in the province", there is the restriction that he must have resided in the tea district "for a period of not less than ten years previous to the date of submission of his nomination paper for such election", the aim being "to confine candidature to persons with knowledge of the locality, people and industry", or, in other words, to exclude the political adventurer.

556. While recognising its obvious disadvantages, we nevertheless consider that some restriction is at present essential in the interests of the labour force no less than in those of the employer. Recent history in Assam, in the event known as the "Chargola Exodus", illustrates the disastrous results that may attend even well-intentioned interference by outsiders with a credulous, ignorant and easily excited labour force.

557. At page 277 of volume III of our report will be found an account of this occurrence, when certain agitators took advantage of the bad economic conditions prevailing on some gardens to exploit the discontented coolies, with the result, as related in the census taken ten years later, that "the Surma Valley suffered an abrupt loss of 48,000 persons". It appears to us that if at that time there had been an accredited and trustworthy representative of the labour force, one of their own race, able to explain matters to them as well as to the authorities, much of this trouble, disastrous alike to employers and employed, might have been avoided. But in view of the findings both of the Assam and Bengal Governments of the time, it is not surprising that both those local Governments and the tea

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\* Royal Commission on Labour, page 462.

which are the fact that they are emigrants from a distant country, speaking many different languages, the universal illiteracy, the preponderance of aborigines and the comparative isolation of plantation life. Workers in such a position stand in special need of protection." Similarly the Bengal Government report—"There is no political consciousness among the tea garden workers. There has not at any period of the history of the tea industry in Bengal been even the remotest vestige of organisation among them. Indeed the feeling has been strongly expressed in some quarters, that it will be little short of a special calamity to draw what hitherto has been a peaceful and happy community into the vortex of political life. The constituencies must therefore be regarded as a political experiment, the outcome of which is by no means free from anxiety."

551. The tea garden labour force is composed of coolies, who are for the most part, especially in Assam (as distinct from the Surma Valley, or from the Dooars in the Jalpaiguri district in Bengal) imported from the aboriginal tribes in other parts of India. In the decade 1911—1921 no less than 769,000 coolies were so imported. Between 1921 and 1931 the number dropped to 422,000. It was ascertained at the census of 1931 that the birth places of the labourers on tea gardens in Assam were distributed as follows :—

Bihar and Orissa .. .. .. .. ..	472,000
Central Provinces and Berar .. .. .. .. ..	82,000
United Provinces .. .. .. .. ..	68,000
Madras .. .. .. .. ..	58,000
Central India Agency .. .. .. .. ..	15,000
 Total .. .. .. .. ..	 695,000

Much the same distribution would be found in the tea gardens in the plains portion of the Darjeeling district and Jalpaiguri in Bengal. With the latest amendment of the Tea Districts Emigrant Labour Act repatriation after the expiry of three years for the labourer and his family is automatic at the expense of his employer. If he wishes to re-engage, he has to sign a declaration of his willingness to do so before a magistrate. The custom of short term labour is also on the increase. Meanwhile, where land is available in the province, many families take up land and develop it from savings earned while in the employ of the tea garden. They also supplement their income by occasional work on the garden. It may be said, generally speaking, that the labour force in these gardens, including the Dooars in Bengal (though not in the Darjeeling district), is recruited from among those tribes for whom special tribal constituencies have been arranged in certain provinces.

552. The electorate, therefore, in Assam and in the district of Jalpaiguri in Bengal, consists of aborigines recruited chiefly from the provinces of Bihar and Orissa, most of whom are temporary residents for three years, and who return to their tribal homes. In the district of Darjeeling it is composed almost entirely of Nepalese, some temporary emigrants, others, families who have taken up land and settled in India. A fairly large number of these are also to be found in the Jalpaiguri district

*Solution proposed by the Bengal Government.*

560. The solution to the problem suggested by the Bengal Government is different. They would take the whole district as the constituency. In Jalpaiguri, of a total tea garden labour population of some 255,000, the estimated electorate is 113,000, the figures for the Darjeeling district, with which it is proposed to rotate this seat alternately, being 150,000 and 68,000 respectively. In each tea garden there would be a polling station with the Manager or Assistant Manager as Presiding Officer and the garden staff to assist him. Voting would be direct under their supervision. There would be no election of delegates, and no electoral college. Candidature, as recorded above, would be confined to a person with a ten years residential qualification in the constituency. Evidence was given before us by the Indian Tea Association to the effect that they would prefer to restrict candidature on the lines adopted in Assam.

*Our criticism of the Bengal Government's scheme.*

561. We do not like the system of candidature, nor the system of election, proposed in Bengal. People living in the districts either of Jalpaiguri or Darjeeling, who are concerned with tea gardens, would be connected either directly or indirectly with the employers and would include shop-keepers supplying goods to the labour force, possibly money-lenders, or even undesirables who have been dismissed from employment in tea gardens. Among the lawyers at the headquarters of subdivisions it would be unlikely to find a candidate who could be regarded as a genuine representative of labour. We are aware that the restriction of candidature to the actual labour force must exclude possible philanthropists such as missionaries, but, if it is desired to retain the services of such persons, who have, it may be admitted, given useful service in the past, recourse should be had to the system of nomination.

562. We are convinced therefore that it is wiser, if, but only if, satisfactory candidates can be obtained, to leave future development to the gradual education of members elected from and by the labour force, than to run the risk of grave trouble by any endeavour to force the pace by allowing all and sundry to stand as candidates. Our proposals, however, include provisions which should, we hope, ensure the eventual independence of the elected representative.

*Our recommendation.*

563. As stated above we do not like indirect election. It is, we think, essential to establish direct relations between the elector and the candidate. It is desirable that the latter should visit gardens in person and canvass for votes. We therefore prefer direct voting in a comparatively small but typical constituency to indirect voting spread over a large area. The feature of essential importance appears to us to be, not the size of the electorate, but the quality of the candidate. Secondly, we desire that the opportunity should be given to voters to elect a member who can be independent of any control by the employer. Thirdly, though the assistance and co-operation of the management, will, as in other labour constituencies, be required, we think that the election should be regarded

industry lay the strongest emphasis on the necessity for restricting candidature, the latter confining it preferably to persons who belong to the aboriginal tribes. The representative of the tea industry in the Assam Legislative Council stated :—

“ In any case the tea industry has no objection to labour representation by responsible and reputable organised and registered trade unions. But what they do object to, and what they will oppose to the utmost of their power, is labour representation by irresponsible and seditious organisations and associations, formed and run by political aspirants for power, with no labour qualification, ostensibly for the benefit of labour, but actually for the purpose of causing labour troubles and for their own glorification.” They therefore, while preferring nomination by the Governor, urge that, if there is to be elective representation, it should be restricted to the labouring castes.

The activities of an emissary, a few years ago, who claimed to be accredited by representatives of labour in the Legislative Assembly to “ study labour conditions in Assam ” caused justifiable apprehension, not allayed by the discovery that this gentleman had previously been convicted in the Madras Presidency of malpractices in connection with recruitment for tea gardens.

*Solution of the problem proposed by the Assam Government.*

558. The Assam Government propose that a certain number of tea gardens should be selected in four different centres, three in the Assam Valley, one in the Surma Valley, where Government officers would hold a primary informal election in certain gardens within a radius of five miles, at which by show of hands one delegate would be elected as a *mukhiya* or mouthpiece to represent each 50 labourers. These delegates would in due course in each centre elect, by means of coloured boxes and formal voting, a member for the Legislative Assembly. Such seats would at the next election be transferred to another set of gardens, and the scheme contemplates three or four terms of rotation.

*Our criticisms of this proposal.*

559. It is obvious that, under this system, any education of the electorate must be slow, and unattended by any development of a sense of responsibility on the part of the members eventually elected. In its earlier stages at any rate it appears to us to justify the criticism made on it that in effect “ it transfers the power of nomination from the Governor to the planter ”. It has, however, the merits first, of providing that the elections, primary and secondary, are held by a Government official, and, secondly, of limiting the area, so as to obtain, as far as is at all possible, an informed verdict of local opinion. It might even in time create that political consciousness and cohesion which, as we have seen, are at present entirely lacking. But our two objections to the proposal are, first that the voting in a comparatively limited area is to be indirect, and secondly, that to limit candidature to a constituency of this size minimizes the chance of obtaining any really useful representative of the interests of the labour force generally.

Usually on a tea garden the clerical and supervising staff and those persons who may be said to be directly the agents of the management or represent the manager's interests are either Bengalis or Assamese. Under our proposals these will not be eligible, either as electors or candidates. Where, however, an aboriginal is promoted to any such post or position of trust, it is safe to say that tribal considerations would, as for example in the event of a strike outweigh any influence of the employer. If, as we contemplate, it would be possible for a Santal missionary or an Oraon graduate to stand as candidate, we see no reason why a Munda clerk should not be allowed to vote, if he is employed on the tea garden. The number of this class will not be large, but as co-electors their influence should be useful in explaining matters to the general labour force.

566. As regards the actual constituencies, we consider the size should be such as to admit of direct election, under the supervision of Government officials. The latter should prepare the electoral rolls with, as in other labour constituencies, the assistance of the employer. The elections should be held on a different date to those of the general or Muhammadan constituencies, and the Presiding Officer and polling officers should be Government servants. The constituencies we suggest would perhaps mean six or more polling stations, which preferably should not be in any tea garden but in some convenient building outside ; as for example, a school, police station, or Government office. In these constituencies it would be wise to take special precautions against treating. They are, in fact, the only constituencies in India, where conditions may approximate to those under which the earlier elections in England were held. It might, therefore, be a wise precaution during the day fixed for the election to close the liquor shops in the neighbourhood of the polling station.

567. It would we think be desirable that electorates in other areas should be given a chance of electing a representative. First, there is the question of different tribes. One area may contain a majority of Oraons or Mundas ; another a majority of Santals. Secondly, we would like these labour members to regard themselves as representing all the labour force on the tea gardens and not merely the small area where direct voting is possible. We have suggested above that candidates might come from outside the tea gardens, and indeed from other provinces. It should be the duty of such to get into contact with as many gardens as possible, and this may be encouraged by an anticipation of another electoral area in the future. We dislike rotation, but in the special circumstances of these constituencies we regard it as justifiable. The average number of tea gardens included in one of these constituencies will perhaps be ten or twelve. It is in our opinion desirable in the interest of encouraging future development, that as large a number as possible of the tea garden labourers should be familiarised with the idea of elections Thirdly, we do not think it quite fair to cast the undesirable trouble and dislocation of work occasioned by an election, permanently on a few selected gardens

by the labour force as a *sirkari*, or official, affair unconnected with, and independent of, the tea garden manager. Lastly, while we would confine the franchise to employees on a tea garden, we would widen the field of candidature by allowing a member of the tribes or castes from whom labour is recruited for the tea gardens, to be eligible to stand for election. We would not restrict such candidature to the constituency, but would allow any person (a) who belongs to a tribe which is recognised in any of the provinces of Bengal, Bihar, Orissa, or Assam as a regular source of recruitment for the tea gardens in Assam or Bengal, and (b) whose name is on the electoral roll of any constituency in these provinces, to be nominated as candidate. This would permit not only ex-tea garden coolies and their descendants, some of whom are now quite well educated, but other aborigines who, for one reason or another, have settled in Assam or Bengal, to stand as candidates. There are educated Santals in the Surma Valley. There are aborigines who are magistrates in Assam and in Bihar. In the latter province twenty-eight aborigines have obtained the B. A. degree at Patna University during the past ten years. The advantages of having a candidate who can address at any rate a portion of the electorate in their own mother language, is obvious. And we are assured that if candidature is restricted on those lines, no difficulty whatever would be put in their way by the management. They would be given free access to the lines, allowed to form (if they found it possible) trade unions, and encouraged to bring any specific and genuine grievance to the notice of the management. There may admittedly be at first the tendency for votes to be given on racial lines, but we believe this would not last. It is probably only the permanent labour force who would take any real interest in the elections, men who intended to reside in Assam and not claim repatriation. And in any event the various tribes have three common interests : first, a desire for improved conditions of employment, secondly, matters affecting the Excise policy of Government, and thirdly a dislike and distrust of the "*dikku*", or Indians not belonging to their tribes.

564. The qualifications for an elector should be on the lines of those proposed by the local Governments of Bengal and Assam, viz., being a worker belonging to one of the tribes specified above, who has been a permanent employee in one or more tea gardens in the constituency for not less than 180 days during the year immediately preceding the date of draft publication of the roll.

565. It is not possible to define "manual worker" with any accuracy. We would include all forms of labour, clerical or supervisory, provided that the racial condition was fulfilled. There are employed as *bahidars* (time-keepers), as *sardar* or head of gang, or as doctors, school-masters, or clerks and in other capacities, educated men, coming from the same class and race as the labour force, whose outlook would be in harmony with the cooly, and who would be fully competent to represent his interests in the legislature. This inclusion, contrary to the advice given by some members of the Indian Franchise Committee (paras. 251 and 252) of the clerical and supervisory staff, together with foremen, *sardars*, *bahidars* and other persons of similar standing, needs explanation.

## CHAPTER XI.—ANGLO-INDIAN SEATS.

570. The following seats are reserved in the provincial Legislative Assemblies for representatives of Anglo-Indians :—

Madras	..	..	..	..	..	..	..	2
Bombay	..	..	..	..	..	..	..	2
Bengal	..	..	..	..	..	..	..	3
United Provinces	..	..	..	..	..	..	..	1
Punjab	..	..	..	..	..	..	..	1
Bihar	..	..	..	..	..	..	..	1
Central Provinces and Berar	..	..	..	..	..	..	..	1

*Provisions of the Government of India Act.*

571. The Fifth Schedule to the Government of India Act provides that these seats shall be filled by persons chosen to represent the Anglo-Indian community, that they shall be territorial constituencies, and that a province may either be divided into territorial constituencies, or, if as respects any class of constituency it is so prescribed, may form one territorial constituency. Where more than one seat is available, the total number of seats will, under the provisions of the Act, be distributed between the constituencies by the assignment of one or more of the seats to each constituency. The Act further provides that a person shall be qualified to hold an Anglo-Indian seat in the Legislative Assembly of a province if he is entitled to vote in the choice of a member to fill that seat or any other seat of a similar class in that province.

*Questions for consideration.*

572. No question of special difficulty arises in connection with the seats allotted to representatives of Anglo-Indians. The qualifications of an elector for those seats will, under the provisions of the Government of India Act, be being an Anglo-Indian and possessing such franchise qualifications as are prescribed under the Sixth Schedule to the Act. The qualifications of a candidate will be those indicated in the preceding paragraph.

*Proposals of individual provinces.*

573. The proposals of individual provinces for the filling of the seats allotted to the Anglo-Indian community and our recommendations on them are as follows :—

## MADRAS.

574. There are 28,630 Anglo-Indians in Madras. The Anglo-Indian Association in Madras have suggested to the local Government that the presidency should form a single constituency returning two members, that the method of voting should be distributive, and that postal ballot should be employed. The Provincial Delimitation Committee and the local Government support this recommendation, which we accordingly

*The Bengal plantation labour seat*

568. The plantation labour seat in Bengal must necessarily be given alternatively to the districts of Jalpaiguri and Darjeeling. The composition of the labour force (paragraphs 551-552 *supra*) differs completely in the two districts. We were in some doubt as to whether Darjeeling, being a partially excluded tract was in real need of a seat. Its inclusion is an additional complication in an already complicated matter. We are assured, however, that the Nepalis resident in Darjeeling district, form a community which includes many persons of some education and public spirit in close touch with the needs and conditions of life of the tea garden labourer. They would, it is stated, be bitterly disappointed if they were deprived of this periodical, even if intermittent, chance of representation. Nor would the Darjeeling planters themselves desire that their labour force should be deprived of the opportunity.

569. In the Appendices in Volume II of our Report we give a detailed statement showing the delimitation of the tea garden labour constituencies in Assam and Bengal, with proposals for rotation. We also give a list of the tribes from which tea garden labour is recruited.

province must, in accordance with the provisions of the Fifth Schedule to the Government of India Act, be formed into a single constituency to return a member, and the local Anglo-Indian Association agree as to the desirability of this. We accept the local Government's recommendation to this effect, and we further accept their recommendation that, given the scattered nature of the constituency, it would be desirable that election should be by postal ballot. The estimated number of voters in the constituency is 2,739.

#### THE PUNJAB.

578. The Anglo-Indian population of the Punjab is 2,995. The local Government recommend that as one seat only is allotted to the community, the whole province should be the constituency. We accept their view. Voting will be direct.

#### BIHAR.

579. There are 5,892 Anglo-Indians in Bihar. The local Government recommend that the single seat allotted to the community should be filled from a constituency covering the whole of the province, and they estimate that the number of voters in the constituency will be 2,000. We accept their view, and recommend their proposal for acceptance. Voting will be by post.

#### THE CENTRAL PROVINCES.

580. The Anglo-Indian population of the Central Provinces is 4,740. The local Government recommend that the whole province should form the constituency for the purpose of filling the single seat allotted to this community. The local Government estimate the probable number of voters at about 2,000, and they recommend that voting should be by postal ballot. We accept their recommendations.

recommend for acceptance. The number of voters in the constituency is estimated at 8,533.

#### BOMBAY.

575. The local Government, in agreement with the Provincial Delimitation Committee, recommend that one of the two seats allotted to the community should be assigned to Bombay City and the Bombay suburban district, which between them have an Anglo-Indian population of about 8,700, and the other seat to the remainder of the Presidency which has an Anglo-Indian population of about 5,500. In the case of the Bombay City constituency, they recommend that voting should be direct. In the case of the Presidency constituency, owing to the fact that the electorate will be scattered in small numbers over a large number of places, they suggest that the simplest course would be that the Returning Officer should send voting papers to the Collector of each district in which Anglo-Indian voters reside, and that the Collector should hold the election at the district headquarters, distributing to each taluka headquarter a sufficient number of ballot papers for the voters residing in that taluka. Voting would take place between fixed hours at the Collector's office and at the Mamlatdar's office, and the ballot papers filled in by the voters would be attested by the Collector, or the Mamlatdar, who would, after the conclusion of the election, send the voting papers by registered post to the Returning Officer in Bombay. The detailed arrangements for voting are essentially a matter for the local Government, and we confine ourselves to remarking that the arrangements which they propose appear generally suitable. We likewise accept the constituencies which they recommend. The number of voters in the Bombay City constituency is estimated at 1,276 and the number in the Presidency constituency at 786.

#### BENGAL.

576. The Anglo-Indian population of Bengal is 27,573. Of the four seats allotted to the community, one is reserved for women. The Provincial Delimitation Committee recommended that there should be one constituency for the whole of Bengal, in which one seat should be reserved for women in accordance with the provisions of the Act. They recommended further that voting should be by postal ballot, and that each elector should have four votes of which not more than three should be cast for male candidates. The recommendations in regard to the seats were based on the views of representative Anglo-Indians, and they have provoked no criticism in Bengal. In these circumstances the local Government recommend them for acceptance. As regards the method of election, the local Government are of opinion, however, that it would be preferable that the ballot box should be used in areas in which the Anglo-Indian electorate is sufficiently compact, and postal voting in other areas. The distributive system of voting will be employed. We accept the views of the local Government on all points.

#### THE UNITED PROVINCES.

577. The total number of Anglo-Indians in the United Provinces is 11,263. As one seat only has been reserved for the community the whole

mittee, expressed the opinion that in view of the importance of the European population of Bombay City, it would be reasonable to allocate two seats to the city and the Bombay suburban district, and one to the remainder of the Presidency. The estimated number of voters in the Bombay City constituency, which will be a multi-member constituency comprising two seats, is 2,015. The estimated number of voters in the Presidency constituency is 1,521. Voting in the Bombay City constituencies will be direct. Having regard to the scattered nature of the electorate, it is proposed in the case of the Presidency constituency that the voting papers should be sent to the Collector of each district in which European voters reside, that the Collector should hold the election at the district headquarters, distributing to each taluka headquarters a sufficient number of ballot papers for the voters residing in that taluk, and that voting should take place between certain hours at the Collector's office and at the Mamlatdar's office, voters filling in the ballot papers, which will be attested by the Collector or Mamlatdar, who will after the conclusion of the election, send the voting papers by registered post to the Returning Officer in Bombay.

We regard the proposals of the local Government, which have been generally accepted in the Presidency, as suitable, and we recommend them for acceptance.

#### BENGAL.

587. The European population of Bengal is 20,895. In framing their recommendations the local Government have given full weight to the views of the leading European representative bodies, and the recommendations which they put forward have the support of the Provincial Advisory Committee. Distribution on a population basis is not in their view possible in the case of the European constituencies, and they recommend accordingly that a geographical distribution should be adopted, that a minimum of one seat should be allotted to each of the five Commissioners' Divisions, and that four seats should be allotted to Calcutta and suburbs to form a multi-member constituency. The detailed distribution recommended by the local Government, together with the population of the constituencies, is as follows:—

Burdwan Division	..	..	..	..	1	723
Hooghly <i>cum</i> Howrah	..	..	..	..	1	1,504
Calcutta and suburbs	..	..	..	..	4	14,619
Presidency Division	..	..	..	..	1	1,518
Rajshahi Division	..	..	..	..	1	613
Darjeeling	..	..	..	..	1	1,089
Dacca Division	..	..	..	..	1	431
Chittagong Division	..	..	..	..	1	392

The proposals of the local Government have given rise to no criticism in Bengal. We regard them as generally suitable, and recommend them for acceptance.

## CHAPTER XII.—EUROPEAN SEATS.

581. Twenty-six seats in all are reserved for Europeans in the provincial Legislative Assemblies. These are distributed as follows:—

Madras ..	..	..	..	..	..	..	3
Bombay ..	..	..	..	..	..	..	3
Bengal ..	..	..	..	..	..	..	11
United Provinces ..	..	..	..	..	..	..	2
Punjab ..	..	..	..	..	..	..	1
Bihar ..	..	..	..	..	..	..	2
Central Provinces and Berar ..	..	..	..	..	..	..	1
Assam ..	..	..	..	..	..	..	1
Sind ..	..	..	..	..	..	..	2

*Provisions of the Government of India Act.*

582. Under the provisions of the Government of India Act, they will be filled in territorial constituencies which may cover the whole area of the province. For the purpose of these constituencies, the province may be formed into a single constituency, or the whole area subdivided as may be prescribed. In the latter event, the total number of seats available will be distributed between constituencies by the assignment of one or more seats to each constituency. A candidate for a European seat in the Legislative Assembly of a province is required, under paragraph 12 (a) of Schedule V of the Government of India Act, to possess such qualifications as may be prescribed.

*Qualifications of electors and candidates.*

583. To be eligible to vote in a European constituency, a person must, under the provisions of the Government of India Act, be a European and possess in addition the qualifications requisite under the Sixth Schedule to the Government of India Act. We recommend that a candidate should be required to be an elector in the constituency who possesses the qualifications requisite under the Fifth Schedule to the Act.

*Provincial proposals.*

584. The proposals of the different provinces, and our recommendations on them, are as follows:—

**MADRAS.**

585. The European population of Madras is 12,341. The local branch of the European Association have recommended that the whole Presidency should constitute a single constituency to return the three European members of the Assembly. They further suggest that the distributive vote should be employed, and that voting should be by post. These recommendations are accepted by the Provincial Delimitation Committee and by the local Government, and we recommend them for approval. The estimated number of voters in the constituency is 4,179.

**BOMBAY.**

586. The total number of Europeans in the Presidency is 18,000. Of these about 10,000 are in Bombay City and the Bombay suburban district. The balance of 8,000 are scattered over the rest of the Presidency. The local Government, in agreement with their Provincial Delimitation Com-

## CHAPTER XIII.—INDIAN CHRISTIANS.

## MADRAS.

594. The total Indian Christian population is 1,703,791. Eight ordinary seats and one woman's seat are allotted to the Indian Christians in Madras. Two schemes were examined in connection with their distribution. One would divide the whole province into eight, admittedly very large, constituencies: the other gave one seat to Madras, where the population of Indian Christians is relatively small, and divided the remaining seven between certain selected areas. The Madras Delimitation Committee decided that there was no portion of the province which could be reported as "unsuitable for inclusion", within the meaning of paragraph 5 of the Fifth Schedule to the Act, and therefore preferred to spread the constituencies over the whole province. The local Government agreed. It is true that the constituencies thus formed will be extremely large, and any direct contact between the member and his constituents difficult, but a candidate will, in most cases, have to deal with organised and cohesive groups. Canvassing will entail long journeys, and this may make candidature unduly expensive. Yet even so this seems to us preferable to selecting certain areas, the location and size of which might be the subject of keen controversy. It is also, we consider, undesirable to leave the rest of the Indian Christians to vote in general constituencies where their influence in most cases would be negligible. Where it would not, their inclusion in the general roll of the constituency might, since territorial constituencies have been provided for Indian Christians, be resented. We do not attach much importance to the argument advanced that a joint electorate would assist political education. After examining a proposal of separating Nellore from Guntur and making the latter district a constituency by itself, we consider the actual division of the province as finally made by the Committee and approved by the local Government to be the best, and we recommend that it be accepted. For the woman's seat there were several claimants. The first proposal was that it should be located in the municipalities of Tinnevelly, Palamcottah and Tuticorin. The question of rotation among different districts was examined, with other suggestions. We recommend the first proposal, which had the support of the women's sub-committee of the Madras Provincial Committee.

## BOMBAY.

595. The Indian Christian population is 267,460. The discussions in this province turned on the distribution of the three seats as between Roman Catholics and other sects. The Provincial Committee and the Government advised that the Catholics should obtain two seats and the others one. We heard evidence, including a strong protest from Gujarati-speaking Christians, because they were not given one of the constituencies. Unfortunately their population, compared with other parts of the province, does not entitle them to a seat. It seemed to be generally recognised from the first that the Bombay City and Suburban Districts, with

## THE UNITED PROVINCES.

588. The total European population of the United Provinces is 22,043. The United Provinces European Association have expressed the desire that the two seats allotted to Europeans should be allotted to a two-member constituency covering the whole province, and that election should be by means of postal ballot. The local Government accept their recommendation which we regard as suitable. The estimated number of voters in the constituency is 4,595.

## THE PUNJAB.

589. The European population of the province is 19,106. The local Government recommend that the single constituency allotted to Europeans should cover the whole province. We accept their recommendation. Voting will be direct. The electorate is estimated at approximately 2,000.

## BIHAR.

590. The European population of the province is 5,390. The local Government recommend that one of the two European seats should be allotted to the Patna-Tirhut-Bhagalpur division, and the second to the Chota Nagpur division. The estimated number of European voters in the first constituency is 1,500, and in the second 1,200. We accept the recommendations of the local Government, which have, we understand, the support of the European community. Voting will be by postal ballot.

## THE CENTRAL PROVINCES.

591. There are 5,075 Europeans in the Central Provinces. The local Government recommend that the single seat allotted to them should cover the whole province, and that voting should be by postal ballot. The estimated number of voters in the constituency is about 1,000. We accept their recommendations.

## ASSAM.

592. The estimated European population of the province is 3,000, and it is proposed that the whole of the British Indian portion of the province, omitting the totally excluded areas, should form the constituency. The estimated number of voters is 2,500, and the local Government suggest that voting should be by post. We regard their recommendations as suitable, and accept them.

## SIND.

593. The European population of Sind is 6,576. The local Government suggest that of the two seats allotted to Europeans, one should be assigned to Municipal Ward No. 7 of the city of Karachi, with the cantonment of Karachi, and the other to the remainder of the province of Sind. The number of voters in the first constituency is estimated at 723, and in the second at 496. We accept their recommendations. Voting will be by post.

Association, the local Government proposed that there should be a dual constituency for the whole province, the electorate being calculated as not exceeding 40,000. Voting would be by the single non-transferable vote.

598. Representations were made from various quarters that, having regard to the economic condition of the community, the whole province as a constituency would be far too large. It was urged that either the province should be divided in half, or that certain towns or districts should be formed into special constituencies. The Census report of 1931 shews that the thirteen districts comprised in the "Indo-Gangetic Plain West" area contribute 121,951 Indian Christians out of the total population of 170,216. In view of the enormous size of a constituency which includes the whole province, and the fact that the postal ballot system could not be used, we asked the local Government to consider two constituencies based on the following division of districts, the Indian Christian population of which is as shown:—

*Western Constituency*.—Muzaffarnagar (10,155), Meerut (16,909), Bulandshahr (13,500), and Moradabad (22,836), a total population strength of 63,400.

*Eastern Constituency*.—Aligarh (18,250), Agra (8,905), Bareilly (13,804), Badaun (15,461), and Muttra (5,675), total 62,095.

599. While these figures include, we believe, all Christians and not only Indian Christians, it will be seen that they produce a total of 125,495, and, allowing for the exclusion of Christians other than Indian Christians, these constituencies would still represent a large proportion of the total Indian Christian population. They would, even so, be large constituencies, and yet they omit the important towns of Lucknow, Allahabad and Cawnpore, where a considerable number of Indian Christians reside. The local Government are not prepared to accept these constituencies. Taking the figure of 205,000 as the total population, they are unwilling to deprive as many as 80,000 Indian Christians of their rights to vote in the choice of members of their community. We have no statistics shewing how the voting strength is divided as between districts or towns. But we feel that this is a matter in which only the local Government have the necessary local knowledge. They propose that voting should be by ballot held in the ordinary way at fixed polling stations. Not, however, without some misgivings, we recommend the proposal of the local Government for a dual constituency covering the whole province. We advise that the system of the cumulative vote be used.

#### THE PUNJAB.

600. The total Christian population is 392,144. Two seats have been allotted to Indian Christians. The local Government at first considered the unanimous recommendation of the Provincial Committee that all districts with an Indian Christian population of 3,000 or over should be

an Indian Christian population of 92,270, should get one seat, and Poona and Ahmednagar districts (population 47,369) another. As regards the third, the districts of Kaira and Ahmedabad were first suggested. The Government's final proposals were:—

Bombay City .. .. ..	One seat.
Thana and Bombay suburban districts ..	One seat.
Poona and Ahmednagar districts ..	One seat.

The witnesses before us agreed that a better constituency for the third seat would be the municipal boroughs of Ahmednagar, Poona, Sholapur and Nasik. The local Government, whom we consulted, have no objection to the proposal, but are unable to say whether it is likely that a constituency thus formed would, in fact, return a Protestant candidate. In the other two, Roman Catholics are in a majority. They are informed that the Indian Christian population of the Poona and Ahmednagar districts is predominantly Protestant, but have no figures for the four towns separately. It is of course quite impossible for this Committee to ascertain, in the time at our disposal, whether this urban constituency would or would not return a Protestant candidate. It was represented to us that the task of canvassing two large districts would be very difficult and expensive, but, since we must rely on the definite opinion given by the local Government, rather than on that of the witnesses, we accept the districts of Poona and Ahmednagar, rather than the four towns, as the third constituency.

#### BENGAL.

596. The Indian Christian population is 129,134. The Indian Christian Association of Bengal suggested that the two seats should be allotted to Calcutta and the Bakarganj district. The Provincial Committee considered, that, as the Indian Christian population covered by these constituencies was only 23,049 out of a total of 129,134, too many Indian Christians would be excluded from the special constituency.

They advised taking as the two constituencies:—

- (i) Calcutta with the Presidency division—population 45,099
- (ii) The Dacca Division—population .. .. 40,419

This would include 66.2% of the Indian Christian population. This we consider to be the best method of representation that can be determined. The constituencies are very large in size, but since the Christians are fairly well organized in different groups, they should not prove unmanageable. There are in the present Legislative Council divisional seats with larger electorates.

#### THE UNITED PROVINCES.

597. The Indian Christian population is 170,216. Two seats have been allotted to the Indian Christians in the United Provinces, and in consultation with the United Provinces branch of the Indian Christian

## ASSAM.

603. The large majority of Indian Christians in Assam reside in the hills, chiefly the Khasia and Jaintia and Lushai Hill tracts. Apart from these, numbering 123,000, there are 73,000 Indian Christians in the Assam Valley and only 5,600 in the Surma Valley. If the aborigines, who are Christians, and who have been provided with special "backward area" seats in the partially excluded tracts, are included in the single constituency available for Indian Christians, they would then be precluded under paragraph 10 of Part IX of the Sixth Schedule to the Act from voting in the local backward area constituency. They are therefore excluded.

604. The unanimous proposal of the local Government and their Provincial Committee was that, for the first election, the constituency should comprise the district of Goalpara, where Christians number 19,000, and that in subsequent elections it should be rotated throughout the districts of the Assam Valley. We asked the local Government to reconsider this proposal, and it is now proposed to limit the Indian Christian constituency to the plains districts of the Assam and Surma Valleys, omitting all totally and partially excluded areas.

605. The constituency would be as follows: The districts of Kamrup, Goalpara, Darrang, Nowgong (less the Mikir Hills backward area constituency), Sibsagar (less the Mikir Hills backward area constituency), Lakhimpur (less the Frontier tract), Cachar (less the North Cachar Hills) and Sylhet.

The election would be held separately on a day different from the other elections. It was thought that missionaries and pastors in the various districts would probably themselves act as agents for getting people to the poll. Probably the candidate would only have to visit any place once, when the congregation would be assembled to meet him. The size of the constituency could materially be reduced by omitting the two Surma Valley districts, but there is now a good motor road connecting Shillong with Sylhet, and the former long and expensive railway journey is no longer necessary. We therefore recommend that the constituency should be as stated in the preceding paragraph.

included in one or other of these constituencies, and eventually they recommended the selection of the following districts :—

I	II
Lahore	Gujranwala
Amritsar	Sheikhupura
Gurdaspur	Shahpur
Sialkot	Montgomery
Population—174,541	Lyallpur
Voting strength—4,749	Multan
	Population—181,238
	Voting strength—6,542

This would enfranchise 355,799 out of a total population of 392,144.

There were many suggestions for redistribution, and we were asked to include, if possible, the districts of Ferozepur and Rawalpindi. We think, however, after examining various schemes of redistribution, that the two constituencies suggested by the local Government are the best, and we recommend them for adoption.

#### BIHAR.

601. The total population of the Indian Christians is 331,185 to which one seat has been allotted. This population is distributed as follows :—

Roman Catholics .. .. .. ..	163,403
Other sects .. .. .. ..	145,248
Unclassified .. .. .. ..	32,534

Bihar under paragraph 5 of the Fifth Schedule is an exception to the general rule that a province shall, for the purpose of election to the Indian Christian seats, be divided into territorial constituencies. In this province, and it appears to us to be an excellent arrangement, the Roman Catholic *Sabha* and the Bihar and Orissa Christian Council will each appoint a panel of delegates, one for each 5,000 of their population. These delegates will elect the representative, not only for the Legislative Assembly, but also for the Federal Assembly.

602. It is suggested that the Order in Council should specify that each college of primary electors should elect 40 delegates for the Roman Catholic and a similar number for the Christian Council. We understand that an agreement has been reached by which these two bodies of delegates will, in practice, each elect a representative to the Legislative Assembly and the Federal Assembly alternatively.

These proposals we recommend for adoption. They have two advantages—first, they avoid any cleavage on political lines between the Roman Catholics and the Protestants and, secondly, since the large majority of Indian Christians belong to backward tribes, these persons will still be able to cast their vote in the reserved seats allotted to backward tribes in the general constituencies.

## THE CENTRAL PROVINCES.

610. In the case of the Central Provinces, the local Government originally recommended nomination to us because of the very large population of the aboriginal tribes in that province, the fact that they were widely scattered through all the areas of the province, and the impracticability of filling a single seat by any method of direct election if all qualified members of the backward tribes were to take part in that election. We fully appreciate the difficulties seen by the Government and had it been mandatory upon us to recommend that the single seat allotted to the Central Provinces should cover the whole of the provincial area, we would have felt bound to support their recommendation, if only because of the administrative difficulties involved. After discussion with them, however, we are of opinion that the preferable course would be that the seat in question should be filled from a special constituency based on a typical backward tribal area, the candidature for the seat being thrown open to the members of backward tribes anywhere in the province. Members of the tribes who fall outside the area of the constituency will be entitled to vote in the ordinary general constituencies. An arrangement on these lines will secure for the backward tribes a spokesman in the legislatures who belongs to their number, who has been elected by members of the tribes from a typical constituency, and who will (for the circumstances of the tribes differ but little in the various parts of the province), be able to represent the special needs and opinions of those tribes in the province as a whole.

611. In the light of discussion with us, the local Government accept our view as to the advantages of constituting a special constituency of the nature to which we have referred. They recommend as alternatives for this purpose a constituency located in the *tahsils* of Mandla-Seoni and a constituency located in the *tahsils* of Niwas-Dindo.i. But they strongly favour the former of these alternatives, and we accept their view. No question in these circumstances arises of filling the seat allotted to backward areas in the Central Provinces by nomination. We take the opportunity to add that we learn with much satisfaction from the local Government that in addition to the seat reserved for them, the backward tribes, if they exercise the franchise, have in addition a reasonable chance of securing an unreserved seat in no fewer than five general constituencies.

## ORISSA.

612. The position is different in the case of Orissa. Five seats are allotted to backward areas and tribes in this province. Of these, it is proposed that four should be allotted to the Khondmals sub-division, and to those areas of the Ganjam and Vizagapatam districts which will be transferred from Madras. The local Government, whose views are supported by the Government of Madras, are strongly of opinion that it is quite impracticable to fill the seats allotted to the Khondmals sub-division and to the areas to be transferred from Madras by any method of direct election. They state that at the present stage, there is no member of the primitive tribes in this area who is capable of representing them, and that in view

## CHAPTER XIV.—SEATS RESERVED FOR BACKWARD AREAS AND BACKWARD TRIBES.

*Distribution of seats between provinces.*

606. The seats in the provincial Legislative Assemblies set aside for the representatives of backward areas and backward tribes under the provisions of the Fifth Schedule to the Government of India Act are as follows :—

Madras	..	..	..	..	..	1
Bombay	..	..	..	..	..	1
Bihar	..	..	..	..	..	7
Central Provinces and Berar			..	..	..	1
Assam	..	..	..	..	..	9
Orissa	..	..	..	..	..	5

*Provisions of the Government of India Act.*

607. Under the provisions of the Act, the qualifications of electors and candidates are such as may be prescribed, while Schedule V, paragraph 10, of the Act provides that in a province in which any seats are to be filled by representatives of backward areas or backward tribes, some or all of those seats may, if it is so prescribed, be treated in the prescribed manner as additional general seats to be reserved for representatives of such areas or tribes.

## METHOD OF FILLING THE SEATS ALLOTTED TO BACKWARD AREAS AND BACKWARD TRIBES.

*Proposals of the local Governments.*

608. The Government of Madras, the Government of the Central Provinces and in the case of certain of the seats reserved for Orissa, the Government of Bihar and Orissa are strongly in favour of filling these seats by nomination. Bombay and Bihar recommend that the seats allotted to backward tribes should be treated as additional seats reserved for those tribes in multi-member constituencies, election being direct. Assam equally contemplate direct election for the seats set aside for backward areas in that province.

## MADRAS.

609. We can see no sufficient justification for resorting to nomination in the case of Madras. The constituency proposed by the local Government contains approximately 12,000 members of the backward tribes who possess the franchise qualifications which would entitle them to vote for a seat in the provincial legislature under the provisions of the Government of India Act. Though it is alleged that difficulty is anticipated in finding candidates who are members of the tribe, we feel that this is one which it should not be impossible to overcome and we are clearly of opinion that in these circumstances election should be direct.

condition of the tribes it is desirable to select a constituency such as West Khandesh West rather than an extensive constituency with a large electorate such as Surat. In the light of the explanations furnished by the local Government we defer to their strongly expressed view that the backward area seat should be assigned to the constituency of West Khandesh West.

#### ASSAM.

615. No fewer than nine seats are allotted to the backward areas in this province. The members of the backward tribes in Assam have marked characteristics of their own, which distinguish them from the rest of the province, and indicate very clearly the constituencies to be framed for the tribal seats. The distribution recommended by the local Government is shown in Appendix XI in Volume II of our Report.

#### *Qualifications of electors.*

616. In the case of Orissa, no question arises of prescribing a qualification for electors in the case of the four seats to be filled by nomination.

617. In the case of Bombay the local Government, in the interests of producing a representative electorate, recommend a differential qualification, the details of which are given in Appendix V in Volume II of our Report, and the general suitability of which we accept.

618. In Madras, Bihar, the Central Provinces and in the case of the one seat to be filled by direct election in Orissa, the ordinary qualifications of electors which are embodied in the Sixth Schedule to the Government of India Act will apply.

619. In the case of Assam, where conditions are somewhat peculiar, the local Government have made specific proposals for differential franchises, which, after discussion with them, we regard as suitable, and recommend for acceptance. The qualifications in question are set out in Appendix XI in Volume II of our Report.

#### *Qualifications of candidates.*

620. We recommend that in every case a candidate should be required to be a member of a backward tribe in the province who, is an elector in the constituency or in any other constituency in the province.

of their excitable and backward condition, serious dangers of disturbance are to be apprehended, owing to the exacerbation of feelings between the supporters of rival candidates, if a system of direct election is introduced. In the light of our discussions with the local Governments concerned, and with officers with an intimate first hand knowledge of the areas in question, we accept the view of the Government of Bihar and Orissa, and we recommend that four of the five seats to be allotted to Orissa should be filled by nomination by the Governor acting in his discretion. The fifth seat will be reserved in a multi-member constituency in the district of Sambalpur, in which no difficulty arises about a system of direct election, in the same way as the backward tribal seats proposed for Bombay and Bihar which are discussed in the following paragraph.

#### BOMBAY AND BIHAR.

613. In Bombay and in Bihar, the local Governments recommend that the backward area seats should be reserved in multi-member general constituencies under the provisions of Schedule V, paragraph 10, of the Government of India Act. We discussed in some detail with both local Governments the suitability of an arrangement of this nature. But in both cases it appears that the degree of development of the backward tribes is such that there need be no fear that its adoption will be inimical to their interests, and in Bihar in particular we are informed (and this statement was corroborated by members of the backward tribes who appeared before us) that the representatives of the tribes, and those individuals who have most closely concerned themselves with them in the past, agree that this course (coupled with a proviso that the persons to fill the backward area seats must themselves be members of the backward tribes) was likely to give the most satisfactory results. In the circumstances, we accept the proposals of the local Governments concerned.

614. The Bombay Provincial Committee recommended the location of the backward tribal seat in West Khandesh, on the ground that this district had the largest population of aboriginal and hill tribes in the Presidency, with a tribal population of over 281,000, Surat coming next with 2,68,000. The proposals submitted to us by the local Government, however, allot the backward tribes seat to West Khandesh West general constituency with an area of 3,782 square miles, the effect of which would be to exclude the tribal population of West Khandesh East general and so substantially to weaken the case for allocating the backward tribal seat in this constituency. We suggested to the local Government in these circumstances that Surat, with a tribal population of 268,000 and an area of only 1,647 square miles, would be a more suitable constituency for the backward tribes. But they are strongly of opinion that their original proposal is preferable; and they urge in support of it that there is no doubt that the backward tribes of the West Khandesh West constituency are more primitive in their mode of life and characteristics, and therefore more typically representative of their class than those of the Surat district; and that having regard to the backward

*Qualifications of electors and candidates.*

624. Paragraph 17 of the Fifth Schedule to the Government of India Act provides that the qualifications entitling a person to vote in territorial constituencies at the elections of members of a provincial Legislative Council and the qualifications to be possessed by members of such councils, shall be such as may be prescribed. The qualifications which His Majesty's Government propose to recommend to Parliament in the case of electors are embodied in the White Paper which was published on 1st October 1935, and no recommendation on this matter is therefore called for from us. As regards the qualifications to be prescribed for candidates, we recommend that a candidate should be required to possess the qualifications requisite under the Fifth Schedule to the Government of India Act and to be an elector in the constituency in which he stands for election.

*Questions for consideration.*

625. Before proceeding to a detailed examination of the proposals submitted to us by the various local Governments concerned for the delimitation of constituencies in their provincial Legislative Councils, we think it well to discuss briefly certain questions of a general character, the answers to which will affect our recommendations, and to indicate our attitude regarding them. These questions are—

- (a) the basis to be adopted for the delimitation of these constituencies ;
- (b) the extent to which and the basis on which representation should be given to urban interests ;
- (c) whether constituencies shall be single-member or multi-member ;
- (d) the selection of the constituencies to be filled for three, six or nine years, under the provisions of paragraph 18 of the Fifth Schedule to the Government of India Act ; and
- (e) the desirability of adopting a system of postal voting for elections to provincial Legislative Councils.

626. We would preface our examination of these questions by the observation that, as in the case of the provincial Legislative Assemblies, the proposals submitted to us by local Governments and their provincial Committees display on all the points referred to above, with the exception of point (d), a more or less marked divergence of view. Having regard to the differences in provincial conditions, to the fact that the proposals submitted to us are the result of a close examination by representative provincial Committees, familiar with the conditions of the province and in close touch with public opinion, and to the fact that those proposals have, so far as we can judge, in every case the support of the great bulk of provincial opinion, we have decided that the right course in dealing with them is to defer to the strongly expressed desires of the different provinces, to abandon, as in the case of the provincial Legislative Assemblies, any attempt at an artificial uniformity which would run counter to provincial feelings and desires, and to confine ourselves to ensuring that the scheme which we recommend is one

## PART II.

## CHAPTER XV.—PROVINCIAL LEGISLATIVE COUNCILS.

*Provincial proposals for the delimitation of constituencies.*

621. The seats allotted to the provincial Legislative Councils in the different provinces, and their distribution, are shown in the table which follows :—

Province.	Total of seats.	General seats.	Muhammadan seats.	European seats.	Indian Christian seats.	Seats to be filled by Legislative Assembly.	Seats to be filled by Governor.
1	2	3	4	5	6	7	8
Madras	..	{ Not less than 54 Not more than 56 }	35	7	1	3	{ Not less than 8. Not more than 10.
Bombay	..	{ Not less than 29 Not more than 30 }	20	5	1	..	{ Not less than 3. Not more than 4.
Bengal	..	{ Not less than 63 Not more than 65 }	10	17	3	..	{ Not less than 6. Not more than 8.
United Provinces.	..	{ Not less than 58 Not more than 60 }	34	17	1	..	{ Not less than 6. Not more than 8.
Bihar	..	{ Not less than 29 Not more than 30 }	9	4	1	..	{ Not less than 3. Not more than 4.
Assam	..	{ Not less than 21 Not more than 22 }	10	6	2	..	{ Not less than 3. Not more than 4.

622. We are not concerned with the seats to be filled by the Governor acting in his discretion, or with the seats to be filled in Bengal and Bihar by the members of the Legislative Assembly in those provinces. The recommendations which follow have reference solely to the general, Muhammadan, European and Indian-Christian seats to be filled by direct election.

623. Under the provisions of Schedule V, paragraph 15, of the Government of India Act, all the constituencies in question will be territorial constituencies, and a province may either, if it is so prescribed as regards any class of constituency, be formed into a single territorial constituency, or it may be divided into such number of territorial constituencies as is considered necessary.

strength of the various parts of the Presidency" a distribution based on voting strength alone "would not result in a very equitable distribution of seats". Bengal base their urban constituencies on voting strength and population; but, in the case of the rural constituencies, think it preferable to adopt population only as the criterion. They remark in the case of those constituencies that "having regard to area they are of opinion that population is a sounder principle to follow than voting strength. Otherwise there is a danger that different parts of the province would be unequally represented". The United Provinces have framed their constituencies on a basis which appears to give weight to population and voting strength alike and which aims at securing a reasonable balance between the claims of urban and rural areas. Bihar, in addition to population and voting strength, have given weight to considerations of administrative convenience, while in Assam the dominating factor has been the necessity for securing an equitable distribution of seats between the two Valleys, a distribution in which population and voting strength have both played their part.

*Our recommendation.*

630. From the preceding analysis, it will be seen that, broadly speaking, the recommendations of local Governments are based on population and voting strength. We regard that basis as generally appropriate, but we think it unnecessary in the case of Bengal, where the local Government, for the reasons given by them, have adopted population only as the criterion in the case of their rural constituencies, to press them to consider a revision based on voting strength, and we equally think it unnecessary to ask the Government of Madras to review their proposals with the object of giving greater weight to population. Here as elsewhere we are disposed to attach great importance to the different conditions of the different provinces, and to refrain from any radical alteration in the recommendations advanced by a local Government, unless we are satisfied that it is fundamentally unsound.

*(b) Representation of urban and rural interests.*

631. Having regard to the wholly different character of the electorate the relative representation of urban and rural interests is of very much less importance in the case of the provincial Legislative Councils than in that of the provincial Legislative Assemblies. We are ourselves inclined to doubt whether in the ordinary course any very serious difference of opinion between urban and rural interests is likely to manifest itself in discussions in provincial Legislative Councils. But, in view more particularly of the importance of this question in provincial Assemblies, we are generally of opinion that some specific representation for urban interests in the provincial Councils is desirable in those provinces in which there is a substantial and important urban element.

*Views of local Governments.*

632. The attitude of the different provinces varies considerably. In Madras, the local Government originally strongly urged on the Provincial Committee the desirability of allotting seven general seats out of 45

which is well balanced, which takes full account of the legitimate claims and wishes of the various interests affected, and which has the general support of representative public opinion in the province concerned.

*(a) Basis of delimitation.*

627. The main question for decision is whether the appropriate basis for the delimitation of constituencies in a body such as a provincial Legislative Council should be population, or voting strength, or a combination of these two factors: and whether, in the event of a combination of the two being regarded as the more suitable solution, emphasis should be laid rather on voting strength than on population. Considerations such as area, the difficulty of communications and the like, are of less importance in the case of provincial Legislative Councils than in the case of provincial Legislative Assemblies. The same is to a large extent true of considerations of population. The provincial Legislative Councils will be small in size. They will be elected by an electorate which is relatively very small indeed, and which is composed of individuals who possess high property qualifications, or who have rendered distinguished public service, and which will be of such a nature that methods of polling which would be impracticable in the case of a provincial Assembly will admit of examination, and that certain specific difficulties which confronted us in dealing with the delimitation of provincial Assemblies will not arise.

628. We are ourselves disposed to the view that, having regard to the character of the electorate and to the position of provincial Legislative Councils in the constitutional scheme, the most important factor in the delimitation of constituencies should probably be voting strength. But we are equally of opinion that some weight must be attached to population, in the interests of securing that the distribution of seats in the provincial Councils bears some relation to the distribution of population in the province concerned. We are of opinion in these circumstances that the broad basis of delimitation should be voting strength coupled with population. In specific instances we recognise that it may however be necessary to depart from this standard, in the interests of securing representation for a section of a province which, whether on population or on voting strength, would be unlikely to secure that degree of representation to which its linguistic or its geographical position, or its past history, legitimately entitles it.

*Proposals of local Governments.*

629. The proposals of the individual provinces, generally speaking, conform to the standard which we suggest. In Madras the local Government, who were originally disposed to consider that population would be a safer guide, have deferred to the strongly expressed view of their Provincial Committee that distribution should be based on voting strength, subject, in the case of the general seats, to the allocation of a minimum of one seat to each district, except the Nilgiris. Bombay, where the Provincial Committee were originally disposed to favour voting strength alone, finally adopt the criterion of voting strength and population, on the ground that "in view of the wide divergence between the population and the voting

multi-member constituencies in that province, we are prepared to accept the proposals of the two local Governments concerned. Elsewhere we recommend, in agreement with the local Governments and their provincial Committees, that constituencies should be single-member.

*(d) Selection of constituencies to be filled for 3, 6, or 9 years, on the occasion of the first elections under the new constitution.*

635. Under the provisions of paragraph 18 of the Fifth Schedule to the Government of India Act, the selection of these constituencies is vested in the Governor acting in his discretion, and it would, we think, in these circumstances be inappropriate for us to make any recommendation regarding them. We have, however, been favoured in the various provinces concerned with suggestions from the local Government as to a possible basis of selection, and, without making any recommendation we accordingly place these suggestions (which are the result of considerable discussion in the Provincial Committees), on record in the provincial Appendices in Volume II of our Report, in case they may be of assistance, when the time comes for the passing of an order by the Governor acting in his discretion under the provisions of paragraph 18 of the Fifth Schedule.

*(e) Method of voting.*

636. We are strongly of opinion that, as in the case of provincial Legislative Assemblies, the method of voting in any province in which multi-member constituencies have been established should be the cumulative method, and we recommend this for acceptance. A point of minor importance which has been raised by various provinces is the question whether voting should be by postal ballot. We refer to this question in Chapter XXI.

*Proposals of individual provinces.*

637. We now turn to the detailed suggestions of the individual provinces for the delimitation of constituencies in their provincial Legislative Councils. The arrangements proposed, and our recommendations regarding them, are as follows :—

MADRAS.

638. The proposals of the local Government are based on an exhaustive examination and discussion of various alternatives with the Provincial Delimitation Committee. As stated above, they are based essentially on voting strength, and they contemplate the creation of a certain number of multi-member constituencies. They allot two seats only, which will be assigned to the district of the City of Madras, to urban representation. On all these points, we have already indicated our readiness to accept the general view of the local Government. As regards the method of voting in multi-member constituencies, the local Government favour the single non-transferable vote, but, as stated above, we are of opinion that the right method to adopt is, as recommended by the Indian Franchise Committee, the system of the cumulative vote, and

elected seats to Madras City, and to six groups of towns with a population of not less than 50,000. In deference to the strongly expressed and reiterated view of the Provincial Committee, which appears to have a substantial degree of support from public opinion, and after discussion with them, they ultimately decided, however, to accept the view of the Committee that urban representation should be confined to the district of Madras City, to which however two urban general seats should be allotted. Bombay, in agreement with their Provincial Committee and public opinion, allot four general seats out of twenty, and two Muhammadan seats out of five, to urban areas. Bengal assign three seats out of 27 general and Muhammadan seats to urban constituencies. The United Provinces assign ten out of 51—a figure which will, in their opinion, do justice to urban and rural interests alike. The matter is of no importance in Bihar and Assam, neither of which has an urban population of any size, and neither of which accordingly allots any seats to urban areas.

*Our recommendation.*

633. As will be seen from the preceding examination of the views of local Governments, the provinces in their proposals have primarily in view their own local conditions, and it is impossible to derive any common principle from their recommendations. But in every case in which there is a substantial urban population in a province, specific provision has been made on a more or less generous scale for urban interests. In Madras, which forms an exception to this rule, to the extent that the urban representation proposed is exceedingly small, having regard to the size and importance of urban interests in the province, we are satisfied that the proposal of the Provincial Committee, as accepted by the local Government, has the general support of public opinion behind it. After a detailed examination of the proposals of the various provinces, we are prepared to accept generally both the basis of urban representation which they propose and the degree of urban representation recommended by them.

*(c) Question whether constituencies shall be single-member or multi-member.*

634. As in the case of the provincial Assemblies, there is a marked difference of view between the different provinces on the question whether constituencies shall be single or multi-member. Bengal, the United Provinces, Bihar, and Assam are in favour of single-member constituencies. Bombay propose single-member constituencies for the Muhammadan seats, but plural-member with the cumulative system of voting for the general seats. Madras favours a combination of multi-member and single-member. The real advantage of a system of multi-member constituencies is the protection which it gives to minorities. That protection is less necessary in a body of the character and composition of the provincial Legislative Councils, and we would ourselves have seen no strong objection in these circumstances to the employment of single-member constituencies everywhere. In view, however, of the very strongly expressed desire of Bombay for multi-member general constituencies and of the support lent by the local Government and the Provincial Committee in Madras to the creation of a certain number of

proceed on the basis of allotting two of the general seats to urban areas and eight to rural areas, and creating one Muhammadan urban and sixteen Muhammadan rural seats. The general and Muhammadan constituencies will all be single-member, but it is proposed, in deference to the unanimous view of the representative European bodies in the Presidency, to combine the three European seats in a single multi-member constituency.

642. The general and Muhammadan communities are entitled to one urban seat each on the basis of population. On voting strength the general community, if given a slight weightage, would be entitled to two seats. But the local Government and the Provincial Committee are of opinion that it would be a mistake to deal with this matter on the basis of a strict mathematical calculation, and, having regard to general considerations, they are unanimously of opinion that two general and one Muhammadan seats should, as stated above, be allotted to urban areas and that the constituencies should be the same as the constituencies for the present Legislative Assembly, namely, Calcutta, the 24-Parganas, Howrah and Hooghly. The acceptance of this recommendation involves a weightage for urban areas, of 64 per cent. in the case of Muhammadan seats, and 80 per cent. in the case of general seats. We are of opinion that the weightage proposed for urban areas, having regard to the great importance of Calcutta and the surrounding urban districts, is not excessive, and we recommend it for acceptance. In other respects, we regard the local Government's proposals which, as stated above, have the full support of the Provincial Committee, and which have been generally accepted by the public, as suitable.

#### THE UNITED PROVINCES.

643. The local Government base their proposals on single-member constituencies, and recommend that five general and five Muhammadan seats should be assigned to urban areas out of a total of 51. They admit that the figure is chosen in a somewhat arbitrary fashion, and that it gives a higher proportion of urban seats than that in the Lower House. But their considered opinion is that any reduction in the number of urban seats below the figure which they propose would result in making the urban representation ineffective; that the proposed number is justifiable; and that an allocation of ten seats to urban and 41 to rural areas produces a result which gives full weight to the legitimate claims of both. The urban constituencies proposed are based on a grouping of the eighteen towns in the United Provinces which have a population of not less than 50,000. The local Government urge in support of their proposal that the smaller towns will contain very few voters for the Provincial Council, and that it is unreasonable to subject a candidate to the expense and inconvenience of canvassing a large number of towns, each of which contains only a very small number of voters. Apart from this, they regard towns of the size suggested as affording a suitable basis for urban representation in the case of a body such as the Provincial Legislative Council. The European seat will cover the whole area of the United Provinces.

644. The distribution of urban seats which the local Government recommend was unanimously accepted by the Provincial Advisory

no difficulty should arise in the employment of this system with an electorate of a standing so high as that contemplated for the provincial Legislative Council.

639. Under the local Government's proposals, the 35 general seats will be distributed on the basis of one seat per district save in the case of the district of the Nilgiris, which will be combined with Coimbatore. The balance of eleven seats will be distributed between the eight districts which have the largest voting strength. The seven Muhammadan constituencies will be distributed to groups of districts on a consideration of their voting strength. Of the proposed general and Muhammadan constituencies, ten will be multi-member. It is proposed, with the concurrence of the representatives of the Indian Christian communities, to form the three seats allotted to the Indian Christians into a three-member constituency covering the whole Presidency, the voters being too few in number (339 in all), and too scattered, to make the creation of three separate single-member territorial constituencies practicable. The single seat allotted to Europeans will cover the whole area of the Presidency. The number of voters is estimated at 1,064.

#### BOMBAY.

640. As will be seen from the table in paragraph 621 above, there are 26 elective seats. The basis of distribution recommended by the local Government and their Provincial Committee is population and voting strength, and it is proposed on this basis to allot four urban general and two Muhammadan seats to Bombay City. The remaining sixteen general seats will be allotted to eight rural constituencies formed out of the sixteen districts of the Presidency, the grouping of contiguous districts being made without regard to the revenue divisions. An arrangement on these lines will, in the view of the local Government, simplify the preparation and maintenance of the electoral rolls and the holding of elections, more particularly having regard to the fact that since the electoral qualifications for the Provincial Legislative Council and the Council of State are the same, the same basis can be adopted for the somewhat smaller number of seats allotted to Bombay in the Council of State. The number of voters in the general constituencies is provisionally estimated at 10,311. The local Government propose to allot the three Muhammadan seats which will remain available for distribution after two seats have been assigned to Bombay City to the three divisions of the Presidency. The total number of voters for the five Muhammadan seats is estimated at 1,235. The single European seat will cover the whole area of the Presidency, and the number of voters is estimated at 1,093. Voting for it will be by postal ballot. We regard the proposals of the local Government as generally suitable, and we are satisfied that they appear to have the support of public opinion in the province.

#### BENGAL

641. The proposals of the local Government have been framed in complete agreement with the Provincial Delimitation Committee, and they appear to have provoked no public criticism. They

is generally accepted by the Provincial Delimitation Committee and by public opinion. In the case of the six Muhammadan seats, the local Government suggest that two should be assigned to the Assam Valley, and four to the Surma Valley. Of the Surma Valley seats one will be allotted to Cachar with the addition of Karimganj district, and the remaining three will be assigned to Sylhet less Karimganj. There has been considerable discussion as to whether the three Muhammadan seats allotted to Sylhet less Karimganj should not be a plural-member constituency. The local Government state, however, in the light of the expressions of opinion received from the Provincial Delimitation Committee and from the public, that while "local Muhammadan opinion is somewhat divided on the matter, Government are satisfied that single-member constituencies are generally preferred". They accordingly recommend that the three seats allotted to this area should be filled in single-member constituencies based on Sadr Sylhet, Habiganj and Sunamganj, with the addition in each case of certain thanas in South Sylhet. The Muhammadan electors who are resident in the partially excluded areas of the Khasi and Jaintia Hills and the Garo Hills districts would vote in the Lower Assam Muhammadan constituency in the Assam Valley. The proposals of the local Government for the Muhammadan constituencies represent the outcome of long discussion in the Provincial Committee and of close examination by the Government ; they appear to have the general support of public opinion in the province, and we recommend them for acceptance.

Conference, and so far as we can judge, has also been accepted by the public. But the majority of the Muhammadan members of the Conference were in favour of reducing the number of Muhammadan urban seats from five to four. The local Government, however, are strongly of opinion that their own proposal is the right one, and that, as in the case of the provincial Assembly, the number of Muhammadan and general urban seats should be the same. They add that the regrouping of the cities which would be necessary if the Muhammadan urban electorate were to be formed into four constituencies, would reduce the representation to be given to Oudh, and that the eastern cities of Benares, Mirzapur and Gorakhpur, by being grouped with Fyzabad and Allahabad, might also secure an insufficient representation. We have carefully considered this question in the light of the views expressed by the local Government, and in view of their very strong recommendation, we accept their proposal that the number of Muhammadan urban seats should be fixed at five, and that the constituencies should be framed on the basis proposed by them. In all other respects we regard their proposals which, as stated above, have the support of the Provincial Advisory Conference, and of public opinion, as suitable.

#### BIHAR.

645 The local Government recommend that the one European seat should cover the whole area of the province, and that voting for it should be by post. The nine general and the four Muhammadan seats have been distributed on a consideration of population, voting strength and administrative convenience, and have been assigned to single-member constituencies. Voting will be by postal ballot. The local Government have taken pains to ensure that the constituencies shall not cut across either divisional or district boundaries, an objective which they have attained, save in the case of the Gaya-Chota Nagpur Muhammadan constituencies where it is impossible to secure it consistently with the framing of a suitable constituency. Their proposals have the support of public opinion and the Provincial Delimitation Committee and we recommend them for acceptance.

#### ASSAM.

646. Here, as in the case of the provincial Legislative Assembly, the vital question is the distribution of the seats available between the Assam Valley and the Surma Valley. The local Government have taken, so far as possible, the district as the unit of allocation. They recommend, in agreement with their Provincial Committee, that in accordance with the desire of the European Association in the province, one of the two European seats should be allotted to each Valley, the electorate in the case of the Assam Valley being estimated at 1,300 and in the case of the Surma Valley at 600.

647. It is proposed to allot one general seat to each of the six districts in the Assam Valley, one to the backward area districts in the Assam Valley and three to the Surma Valley, of which one will be assigned to Cachar (excluding the North Cachar Hills), one to an East Sylhet, and one to a West Sylhet constituency. This distribution of the general seats

*Recommendation of provincial governments.*

## MADRAS.

652. The local Government propose the following constituencies :—

The Madras Chamber of Commerce ..	combined ..	1 seat.
The Madras Trades Association .. and		
The United Planters of Southern India ..	combined ..	1 seat.
The Southern India Chamber of Com- merce.		
The Nattukkottai Nagarathars' Associa- tion .. and	combined ..	1 seat.
The Andhra Chamber of Commerce ..		

As in the case of the Provincial Assembly we removed the Andhra Chamber of Commerce, it follows that that Chamber must be deleted from the second constituency above. In other respects we accept the local Government's proposals.

## BOMBAY.

653. The local Government recommend that the three seats should be thus allotted :—

Bombay Chamber of Commerce ..	combined ..	1 seat.
and		
Bombay Trades Association ..	.. ..	1 seat.
Indian Merchants' Chamber ..		
Bombay Mill Owners' Association ..	by rotation ..	1 seat.
and		
Ahmedabad Mill Owners' Association ..		

We regard the local Government's proposals as generally suitable and recommend them for acceptance.

## BENGAL.

654. The local Government propose that the constituencies should be as follows :—

	Seats.
The Bengal Chamber of Commerce .. .. ..	1
The Indian Jute Mills Association .. .. ..	1
An electoral college consisting of the Indian Commerce constituencies adopted for the provincial Lower House ..	1

The electoral college will be composed of fifteen members, to be elected in the following manner :—

	Members.
The Bengal National Chamber of Commerce .. .. ..	6
The Marwari Association .. .. ..	3
The Bengal Mahajan Sabha .. .. ..	3
The Muslim Chamber of Commerce .. .. ..	3
Total .. .. ..	15

## PART III.

## FEDERAL ASSEMBLY.

## CHAPTER XVI.—COMMERCE.

648. Under the existing constitution seven seats (excluding one seat for Burma in the Council of State) are allotted to Commerce and Industry in the Central Legislatures.

(i) Legislative Assembly .. .. .. .. .. ..	5 seats.
(ii) Council of State .. .. .. .. .. ..	2 seats.

649. Of the seven seats, one in the Legislative Assembly is filled by nomination the remaining six by election. Then again, six are provincial and the remaining seat, the non-Provincial, is that which is filled by nomination. A further classification is as follows :—

(i) *Legislative Assembly*:

4 elected—allotted to Indian Commerce .. .. .. ..	4
1 nominated—allotted to European Commerce .. .. .. .. .. ..	3
2 elected—allotted to European Commerce .. .. .. .. .. ..	

650. *Existing Constituencies.*(i) *Legislative Assembly*. No. of seats.

Madras ..	Southern India Chamber of Commerce .. .. .. ..	1
Bombay ..	Indian Merchants' Chamber and Bureau .. .. .. ..	1
Bombay ..	Bombay Mill Owners' Association .. .. .. .. .. ..	1
	and Ahmedabad Mill Owners' Association .. .. .. .. .. ..	
Bengal ..	Bengal National Chamber of Commerce .. .. .. .. .. ..	1
	and Marwari Association .. .. .. .. .. ..	
	and Bengal Mahajan Sabha .. .. .. .. .. ..	
Non-pro- vincial.	Nominated .. .. .. .. .. ..	1

(ii) *Council of State*.

Bombay ..	Bombay Chamber of Commerce .. .. .. ..	1
Bengal ..	Bengal Chamber of Commerce .. .. .. ..	1

*Future distribution.*

651. The Indian Franchise Committee advert to the anomalous nature of the seats assigned to European commerce and propose that the system of nomination should be wholly abolished, and that the representation should, without being split between the two Houses, be concentrated in the Assembly. They recommend, moreover, that the total number of commerce seats should be increased by one. But the Government of India Act raises the seats by four, thus making the aggregate number eleven. The distribution is as follows :—

	Seats.
Madras .. .. .. .. .. ..	2
Bombay .. .. .. .. .. ..	3
Bengal .. .. .. .. .. ..	3
Non-provincial .. .. .. .. .. ..	3

## APPENDIX TO CHAPTER XVI.

The following are our tentative suggestions for the rules to regulate the composition of the electorate for the provincial and non-provincial seats, and the qualifications of electors and candidates in them.

## FEDERAL ASSEMBLY.

## NON-PROVINCIAL COMMERCIAL SEATS.

## COMPOSITION OF ELECTORATE AND QUALIFICATIONS OF ELECTORS.

## 1. (1) THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY, AND

## (2) THE ASSOCIATED CHAMBERS OF COMMERCE.

The election by these two bodies shall be as follows :—

The nomination of a candidate for election shall be made by means of a resolution of the executive committee of a member body (being a member of the organisation concerned).

The member bodies shall after the receipt of the nominations be called upon to vote for one of the candidates validly nominated, and the voting by a member body shall be by means of a resolution of its executive committee.

*Explanation.*—The words “executive committee” shall mean such committee of a member body as is, by its rules, entrusted with the general management of its affairs, by whatsoever name such committee may be called.

## 2. (3) COMMERCIAL BODIES IN NORTHERN INDIA.

In respect of the seat to be filled by this body, the constituency shall comprise the following chambers :—

1. Northern India Chamber of Commerce	...	Punjab.
2. Punjab Chamber of Commerce	...	
3. Upper India Chamber of Commerce	...	United Provinces.

Such members of the aforesaid bodies shall be entitled to take part in the election as,

(i) in the case of a firm, Hindu joint family concern, or individual, it or he resides or has a place of business in India, is engaged in trade, commerce or industry and in any one of the five income-tax years immediately preceding the preparation of the electoral roll, has been assessed to income-tax on an income of not less than Rs. 10,000 derived from trade, commerce or industry.

(ii) In the case of an incorporated company or a corporation,

it has a place of business in India, is engaged in trade, commerce or industry, and possesses a paid up capital of not less than Rs. 1 lakh.

The rules prescribed in the Appendix to Chapter IX shall apply *mutatis mutandis*.

## 3. QUALIFICATIONS OF CANDIDATES.

The rules prescribed in respect of candidates in the Appendix to Chapter IX shall apply *mutatis mutandis*.

655. In regard to the Provincial Assembly we recommended the substitution of the Indian Chamber of Commerce for the Bengal Mahajan Sabha. In consequence thereof, we accept the Bengal Government's proposal, but substitute for the Bengal Mahajan Sabha, the Indian Chamber of Commerce.

#### THE NON-PROVINCIAL SEATS.

656. The three non-provincial seats are allotted under the Government of India Act as follows :—

- (1) The Federation of Indian Chambers of Commerce and Industry ;
- (2) The Associated Chambers of Commerce ; and
- (3) Commercial Bodies in Northern India.

We recommend that the seat to be filled by the last mentioned constituency, shall comprise the following Chambers :—

- (1) Northern India Chamber of Commerce }
- (2) Punjab Chamber of Commerce .. } Punjab.
- (3) Upper India Chamber of Commerce .. United Provinces.

657. We have received a belated request from the Sugar Mills Association that that body should be included in the constituency allotted to commercial bodies in Northern India. We received no recommendation to this effect from any local Government. Nor can we at this late stage consider an application of this nature without consulting Provincial Governments and without giving full consideration to the rival claims of various bodies representing interests such as tea and coal.

658. We append to this Chapter a tentative suggestion for the rules to govern the qualifications of electors and candidates, and the electorate, for the provincial and non-provincial seats.

## FEDERAL ASSEMBLY

## CHAPTER XVII.—LANDHOLDERS' SEATS.

659. One seat to represent the great landholders is assigned to each of the provinces of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, and the Central Provinces and Berar in the present Legislative Assembly, and the Government of India Act, 1935, provides that these seats shall be retained in the future Federal Assembly. Under the provisions of paragraph 23 (b) of the First Schedule to the Act, the constituencies will be filled by such persons voting in such territorial constituencies and in such manner as may be prescribed. Under the provisions of paragraph 25 (ii) of the First Schedule to the Act, candidates for these constituencies must possess such qualifications as may be prescribed.

*Qualifications of electors and candidates.*

660. It is obvious, having regard to the differences in the level of wealth in the various provinces, and the differences in provincial conditions, that it is impracticable to prescribe a common level of qualification for electors in all provinces. The specific qualifications which we recommend after consideration of the views of the local Governments are set out in paragraphs 662 to 668 below. We are of opinion that a candidate should be required to possess the qualifications requisite under paragraph 1 of the First Schedule to the Government of India Act, and that he should in addition be an elector in the constituency in which he wishes to stand.

*Provincial proposals.*

661. We now turn to the proposals of individual provinces.

## MADRAS.

662. The local Government recommend that the six territorial constituencies which are allotted to landholders in the provincial Legislative Assembly should be combined to form a single constituency to elect to the seat assigned to landholders in the Federal Assembly. The electorate is estimated at 1,135. The qualifications of electors will be the same as those for the provincial constituencies, *viz*, residence in the constituency for not less than 120 days in the previous year; and being a zamindar, janmi or malikanadar who possesses an annual income, calculated as may be prescribed, from an estate in Madras of not less than Rs. 3,000 per annum, who is registered as the janmi of land assessed at not less than Rs. 1,500 per annum, or who receives a malikana allowance from Government of not less than Rs. 3,000 per annum. These proposals have the support of the Provincial Committee who, in agreement with the local Government, recommend that voting should be by post. We regard them as generally suitable, and recommend them for acceptance.

## BOMBAY.

663. The electorate for the seat reserved for landholders in the present Legislative Assembly is composed of the Gujarat and Deccan Sardars and Inamdar who elect to the landholders' seats in the provincial

**PROVINCIAL COMMERCIAL SEATS.**

The qualifications of electors and candidates for the eight Commerce seats in the Federal Assembly assigned to the Provinces of Bengal, Madras and Bombay shall be as follows :—

**1. QUALIFICATIONS OF VOTERS.**

Those who are entitled to take part in the election to the Provincial Assemblies shall also be entitled to take part in the election to the Federal Assembly.

**2. QUALIFICATIONS OF CANDIDATES.**

Those eligible to represent the Associations concerned in the Provincial Assemblies shall be likewise eligible to hold the seats in the Federal Assembly.

at payment of land revenue of not less than Rs. 10,000 per annum, a figure which we regard as justified in the special conditions of the United Provinces. We propose in these circumstances that the minimum qualification for the Federal Assembly should be the same as for the provincial Legislative Assembly, and that it should be fixed at Rs. 10,000 per annum.

#### BIHAR.

666. The local Government recommend the retention as the qualification of electors in this constituency of the existing qualification of Rs. 10,000 per annum land revenue, and they further recommend that voting should be by post. We accept their recommendation on both points. The estimated electorate is 161.

#### THE PUNJAB.

667. The existing electorate in this constituency is, broadly speaking, based on assessment to land revenue of Rs. 1,000 per annum, and the local Government recommend that this qualification, which has worked well, should be retained. We accept their view. The estimated electorate is 1,135.

#### THE CENTRAL PROVINCES AND BERAR.

668. The local Government, in agreement with the Provincial Committee, recommend that the qualifications of electors in the case of the Central Provinces should be the holding of a hereditary title recognised by Government and of agricultural land in proprietary right, the ownership of an estate as defined in the Central Provinces Land Revenue Act, 1917, and the holding of land in proprietary right assessed to kamil-jama or land revenue of not less than Rs. 4,000 per annum. In the case of Berar they propose that the qualification should be the holding of a hereditary title recognised by Government and the holding of agricultural land in other than tenancy right, or the holding in other than tenancy right of agricultural land assessed or assessable to a land revenue of not less than Rs. 3,000. They anticipate that these qualifications will result in an electorate of 420 in the case of the Central Provinces and 100 in the case of Berar. The proposals of the local Government have the general support of the Provincial Delimitation Committee and of public opinion, and we regard them as suitable.

Legislative Council. The local Government recommend that this system should continue, and their view is accepted by the majority of the Provincial Committee. We should, however, record that a minority of three in the Provincial Committee expressed the view that as the Gujarat Sardars number 175 only as against 534 Deccan Sardars and Inamdars, they will never have an opportunity of securing the seat, and they recommend in these circumstances that the seat should be rotated at successive elections between the Gujarat Sardars and Inamdars and the Deccan Sardars and Inamdars. We have already indicated that save in quite special circumstances we are strongly opposed to rotation, which we regard as unsound in principle, and while it may be that the Gujarat Sardars, being in a definite minority in the constituency, will stand less chance of securing the seat than the Deccan Sardars, we do not see how this can be avoided. In the circumstances we agree with the local Government and the majority of the Provincial Committee that the Sardars and Inamdars of Gujarat and the Deccan who elect to the Landholders' constituencies in the provincial assembly should combine to elect to the seat.

#### BENGAL.

664. The local Government, in agreement with their Provincial Committee, recommend that the qualifications of electors to the landholders' seat in the Federal Assembly should be the same as the qualifications of electors to the seats reserved for landholders in the provincial Legislative Assembly. Those qualifications are, in the case of the Burdwan and Presidency divisions, liability to payment of not less than Rs. 3,000 per annum, as land revenue or rent or both or of not less than Rs. 700 as road and public works cess ; and in the case of the Dacca, Rajshahi, and Chittagong divisions, land revenue or rent or both of not less than Rs. 2,000 per annum, or road and public works cess of not less than Rs. 500 per annum. The resultant electorate will be approximately 2,500, and it is proposed that the postal ballot should be employed. The suggestion has been made that it would be preferable that the seat should be allotted to a representative body or bodies of landholders, on the ground that a single seat for the whole province is too unwieldy. But we agree with the local Government that there is no force in this contention, and having regard to the standard of wealth and education of the electorate, to its relatively very small size, and to the fact that postal voting is contemplated we see no reason why any difficulty should be experienced in polling it. In these circumstances, we recommend the proposals of the local Government for acceptance.

#### THE UNITED PROVINCES.

665. The local Government propose that the constituency should cover the whole province and that the qualification of electors should be fixed at payment of not less than Rs. 5,000 land revenue per annum. We have recommended in the case of the landholders seats in the provincial Legislative Assembly in the United Provinces that the qualifications of electors, whether they belong to the British Indian Association or to the Agra Zamindars' Association, should be fixed

chequered career; and we do not feel in the circumstances that its successful future development can necessarily be taken for granted, or that we can recommend that the non-provincial seat should be assigned to it permanently or without qualification. Our recommendation in the circumstances is that the Order in Council should allot the non-provincial seat in the Federal Assembly to "the National Trades Union Federation of India, or such other organisation of workers as may be selected by the Government of India for the nomination of the workers' delegate to the International Labour Conference under the provisions of Article 389 (3) of the Treaty of Versailles". We further recommend that before the Federation which is at present unregistered, is selected as the electorate for this seat, it should be required either to register, or to produce reasons which are accepted as adequate by the Government of India and His Majesty's Government for declining to do so.

*Alternative solutions.*

672. A possible alternative would be to group all trade unions of all-India importance in one constituency and to allocate the seat to it. But in this country, where communal and communistic organizations are likely to come into existence with the least encouragement, we consider that it would be desirable to strengthen the most representative of the all-India labour organizations by allocating to it the non-provincial labour seat in the Federal Assembly.

673. The only other alternative that need be considered is the allocation of the seat to railway unions or federations on the ground that railways are a central concern and that railway labour may find difficulty in securing representation through the provincial labour seats. But it would be preferable to give representation to a wider and more representative organization.

THE PROVINCIAL SEATS.

*Functional representation*

674. It was represented to us that it would be far better to allot the provincial seats according to functional representation, each province sending a representative of a different industry. One representation addressed to us suggested the following scheme as an illustration of how this might be arranged :—

"We agree with the Indian Franchise Committee that the six interests it has mentioned in paragraph 424 of its report deserve to be represented in the Federal Lower House. Unfortunately the number of seats given to labour being very limited, and the number of interests being proportionately large, it is difficult to satisfy the provincial claims as laid down by statute, unless the system of rotation is brought into operation. In other words, interests such as railways, textile and seamen may have, in our opinion, to be given representation by rotation so far as their distribution on a territorial basis is concerned. They will continue to be always represented in the Federal Lower House; but their seats will go from one province to another by rotation.

## FEDERAL ASSEMBLY.

## CHAPTER XVIII.—LABOUR.

669. There will be ten Labour seats in the Federal Assembly. One is a non-provincial seat. Nine are allotted to provinces, their distribution being as follows:—

Madras	..	..	..	..	..	..	..	1
Bombay	..	..	..	..	..	..	..	2
Bengal	..	..	..	..	..	..	..	2
United Provinces	..	..	..	..	..	..	..	1
Bihar	..	..	..	..	..	..	..	1
Central Provinces and Berar	..	..	..	..	..	..	..	1
Assam	..	..	..	..	..	..	..	1
Non-provincial seat	..	..	..	..	..	..	..	1

The provincial seats under Schedule I, paragraph 23 (c) of the Government of India Act are to be filled “ by such organizations, or in such constituencies, and in accordance with such manner of voting, as may be prescribed ”.

*The non-provincial seat.*

670. We deal first with the non-provincial seat for the Federal Assembly. The White Paper of 1933 indicated the All-India Trade Union Federation as the electorate for this seat. Up to 1930, the All-India Trade Union Congress was the most important all-India organisation of workers. But in that year a split occurred in the Congress, and a second body was formed called the Indian Trades Union Federation. In the middle of 1933, this federation was amalgamated with the National Federation of Labour under the new name of National Trades Union Federation. At the end of 1933, certain unions resigned from this body and formed a new organization styled the All-India Trades Union Federation. The National Trades Union Federation is, however, undoubtedly the leading labour federation in India at the present time, and at the end of 1935 its membership comprised 53 affiliated trade unions in British India with a total membership of 138,904.

671. We recommend, after consideration of the alternatives discussed in paragraphs 672 and 673 below and subject to the conditions that follow, that on the occasion of the first election the non-provincial seat should be assigned to the National Trades Union Federation. Under Article 389 (3) of the Treaty of Versailles, the workers' delegate to the International Labour Conference must be selected by Government in consultation with the most representative organisation of workers in the country concerned; and the Government of India at present accept the National Trades Union Federation as the most representative organisation for this purpose. While however it is admittedly the most representative organisation of workers at the present time, the statement in the preceding paragraph shows that it is not of long standing and that it has had a somewhat

The local Government's recommendation is based on proposals put forward by the Provincial Delimitation Committee, after a close examination of alternative methods of filling this seat. It has received a large measure of general support in the Presidency, and we recommend it for adoption. Election will be direct.

#### BOMBAY.

679. The Government of Bombay, who are strongly in favour of employing registered trade unions as the basis of their labour constituencies wherever practicable, recommend, in agreement with their Provincial Delimitation Committee that the two seats assigned to Bombay in the Federal Assembly should be allotted respectively to two constituencies consisting of

- (a) registered trade unions in Bombay City ;
- (b) registered trade unions in Ahmedabad City.

They are in favour of a system of indirect election, under which one delegate would be elected to an electoral college for every 200 members of the trade union concerned. Their recommendation appears to have general support in the Presidency, and we accept it.

#### BENGAL.

680. The local Government and their Provincial Delimitation Committee have throughout been in agreement that the two labour seats should be allotted as follows :—

- (a) a registered trade union constituency consisting of the trade unions qualified to elect members of the Bengal Legislative Assembly in the registered trade union constituencies in that body ;
- (b) a territorial labour constituency covering the area of the factory labour constituencies proposed for the Bengal Legislative Assembly. The electorate in this constituency will be composed of adult workers employed in factories with a minimum daily strength of 500 persons or over. Election would be on the indirect system on the basis of one *Mukhiya* for 250 voters.

681. We have received several suggestions from trade unions in the province that both seats should be allotted to registered trade unions. But, having regard to the distribution accepted by us for the labour seats in the provincial Legislative Assembly, we agree with the local Government and the Provincial Committee, that the best interests of labour will not be served by confining representation to registered trade unions only. We accordingly accept their recommendation that one seat should be allotted to trade unions, and one to a special labour constituency.

One way of doing this might be as follows :—

Province.	Number of seats.	Distribution.
1. Madras ..	1	Textile and Railways .. By rotation.
2. Bombay ..	2	Textile .. 1 Permanent. Railways and Seamen .. 1 By rotation.
3. Bengal ..	2	Jute .. 1 Permanent. Railways and Seamen .. 1 By rotation.
4. Bihar ..	1	Mining .. Permanent.
5. Assam ..	1	Planting .. Permanent.
6. United Provinces ..	1	Textile and Railways .. By rotation.
7. Central Provinces ..	1	Textile and Railways .. By rotation.

The effect of this suggestion, if accepted, would be that, while the provinces will get their quota of labour representation in the Federal Lower House, the industries suggested by the Indian Franchise Committee, will be adequately represented. Only, at one time railway labour will get three seats and the textile labour two seats and at the next time the railway labour will get two and the textile labour three seats. The other four industries will always continue to be represented. We are, however, prepared to consider any alternative arrangement which can secure a more equitable representation to the interests concerned ”.

#### *Our recommendation.*

675. We consider this to be an attractive scheme, but it is difficult to harmonise it with the proposals of the local Governments regarding the provincial labour seats. Further, in some provinces, it has not been possible to provide for representation of labour through trade unions. We are of opinion that it is best to accept in the main the proposal of the local Governments, and to leave it to the future for representation in the Federal Legislature to develop on the lines of the functional representation of labour in the provinces.

#### *Qualification of electors and candidates.*

676. We recommend that the qualifications of electors and candidates, and the conditions of admission of registered trade unions to the electorate, for the provincial seats in the Federal Assembly, should be the same as those proposed for the labour seats in the provincial Assemblies in Chapter IX of our report.

#### *Allocation of provincial seats.*

677. The proposals of local Governments for the allocation of the provincial seats, and our recommendations on them, are as follows :—

#### *MADRAS.*

678. The local Government recommend that the constituency should be a special labour constituency based on the City of Madras and the adjoining district of Chingleput, the electorate in which would be formed of factory-workers, including railway workers, and dock and port labourers

## FEDERAL ASSEMBLY.

### CHAPTER XIX.—SEATS ALLOTTED TO CHIEF COMMISSIONERS' PROVINCES.

686. Under the provisions of the Government of India Act, the seats in the Federal Assembly assigned to the general, Muhammadan and Sikh communities will, save in the case of the Chief Commissioners' Provinces, be filled in accordance with the principle of proportional representation by means of the single transferable vote by electorates consisting of the members of the Legislative Assembly of the province concerned. The First Schedule of the Government of India Act also lays down the arrangements under which the seats reserved for women, for members of the scheduled castes, for Anglo-Indians, Europeans and Indian Christians will be filled by electoral colleges. As the Act prescribes the method of election and the qualifications of candidates for the various seats to which reference has already been made, we make no recommendation regarding them. Our recommendations regarding the seats in the Federal Assembly which are reserved for representatives of special interests are contained in separate chapters of our Report. In the present chapter we deal solely with the seats in the Federal Assembly allotted to the Chief Commissioners' Provinces.

687. The provinces in question are British Baluchistan, Delhi, Ajmer-Merwara and Coorg, and we deal with them *seriatim* below.

#### BRITISH BALUCHISTAN.

688. One Muhammadan seat is assigned to British Baluchistan in the Federal Assembly. His Majesty's Government have decided to recommend to Parliament that the seat should be filled by nomination by the Governor General, and that candidates for it should be required to possess certain specified qualifications, and we are not called on in these circumstances to make any recommendation regarding it.

#### DELHI.

689. Two seats are assigned to Delhi in the Federal Assembly, one of which is general and the other Muhammadan. The total area of the province is 573 square miles, and its total population 636,246, of which 206,960 are Muhammadans. The Chief Commissioner, whose views are supported by the Government of India, recommends that the whole province should be the constituency both for the general and for the Muhammadan seat. The area involved is relatively small, and we do not anticipate that any serious difficulty should be experienced in polling the electorate contemplated, which is, we understand, likely to be in the neighbourhood of 40,000. In these circumstances we accept the recommendation of the Chief Commissioner.

690. The qualifications of electors for the seats in question are set out in the White Paper of 1st October 1935, and no recommendation regarding them is accordingly called for. Paragraph 25 (ii) of the First Schedule to the Government of India Act leaves the qualifications of candidates to be prescribed. We recommend that in addition to the

## THE UNITED PROVINCES.

682. The local Government, as explained elsewhere, propose, and we accept their recommendation, to allot two of the three seats assigned to labour in the provincial Legislative Assembly to special labour constituencies, and the third to a trade union constituency. They originally recommended to us that the seat assigned to labour interests in the Federal Assembly should be filled by the two special labour constituencies in the provincial Assembly. We could, however, see no justification for thus excluding the trade union constituency in the provincial Assembly from the electorate ; and on further consideration, the local Government agree that it should be included in it. Subject to this modification we regard their recommendation as suitable. The method of election will be direct.

## BIHAR.

683. For the reasons discussed more fully in paragraph 540 above we recommend, in agreement with the local Government and their Provincial Committee that the seat assigned to Bihar labour in the Federal Assembly should be included in a rotating series with the labour seats in the provincial Legislative Assembly, and that on the occasion of the first election under the new constitution, it should be filled from the Dhanbad trade union constituency.

## THE CENTRAL PROVINCES AND BERAR.

684. We examined with the local Government the possibility of throwing the two seats assigned to labour in the Provincial Assembly into a rotating series with the one seat assigned to labour in the Federal Assembly : but as a result of our investigation, we reached the conclusion that the balance of advantage was against action on those lines. In agreement with the local Government, we now recommend that the Federal seat should be assigned to a mining constituency based on the Chindwara district, with an electorate estimated at some 4,000. Election will be direct.

## ASSAM.

685. As regards the Assam Federal labour seat, we recommend that the Governor acting in his discretion should assign it on the occasion of each election to one of the constituencies contained in the rotating series suggested by us for the labour seats in the Assam Provincial Assembly. We would suggest that he may probably find it desirable to allot the seat alternately to a constituency in the Assam and a constituency in the Surma Valley.

## PART IV.

## CHAPTER XX.—COUNCIL OF STATE.

*The Territorial constituencies.*

693. The seats allotted to the various provinces in the Council of State are set out in the table which follows:—

1 Province or Community.	2 Total seats.	3 Gene- ral seats.	4 Seats for sche- duled castes.	5 Sikh seats.	6 Muham- madan seats.	7 Women's seats.
Madras .. ..	20	14	1		4	1
Bombay .. ..	16	10	1		4	1
Bengal .. ..	20	8	1		10	1
United Provinces .. ..	20	11	1		7	1
Punjab .. ..	16	3		4	8	1
Bihar .. ..	16	10	1		4	1
Central Provinces and Berar	8	6	1		1	
Assam .. ..	5	3			2	
North-West Frontier Pro- vince .. ..	5		1		4	
Orissa .. ..	5		4		1	
Sind .. ..	5		2		3	
British Baluchistan .. ..	1				1	
Delhi .. ..	1		1			
Ajmer-Merwara .. ..	1		1			
Coorg .. ..	1		1			
Anglo-Indians .. ..	1					
Europeans .. ..	7					
Indian Christians .. ..	2					
 Totals .. ..	150	75	6	4	49	6

694. The Government of India Act lays down a special procedure for filling the seats reserved for members of the scheduled castes and for women. Special provision is also made for the filling of the seats allotted to Europeans, Anglo-Indians and Indian Christians. We are not in these circumstances concerned with any of the seats in question save to the extent that, since the qualifications of candidates for the European, Anglo-Indian and Indian Christian seats are left by the Act to be prescribed, it falls to our Committee to make a recommendation as to what those qualifications should be. The present chapter of our Report deals accordingly with the delimitation of the territorial constituencies; with the qualifications of electors and candidates for the general, Sikh and Muhammadan constituencies allotted to the various provinces under the provisions of the First Schedule to the Government of India Act; and with the qualifications of candidates in the European, Anglo-Indian and Indian Christian constituencies.

ordinary communal qualification, a candidate for the general or the Muhammadan seat now under consideration should be required to possess the qualifications set out in paragraph 1 of the First Schedule to the Government of India Act, and that he should be an elector in the constituency.

#### AJMER-MERWARA.

691. One general seat is assigned to Ajmer-Merwara. The area of this province is 2,711 square miles, its population is 560,292, and the estimated number of electors in the general constituency is 20,000. The Chief Commissioner recommends that the whole province should form the constituency. The Government of India support his recommendation, and we accept it. The qualifications of electors will be those set out in the White Paper of 1st October 1935. We recommend that a candidate should be required to possess the qualifications requisite under paragraph 1 of the First Schedule to the Government of India Act, and that he should be an elector in the constituency.

#### COORG.

692. One general seat in the Federal Assembly is assigned to Coorg. The area of the province is 1,593 square miles, and its population 163,327. Under the provisions of paragraph 24 (a) of the first schedule to the Government of India Act, election to the seat will be by members of the Coorg Legislative Council, and we are not called on in these circumstances to make any recommendation as to the qualifications of electors. The qualifications of a candidate for the seat are likewise decided by the provisions of paragraph 25 (i) of the First Schedule to the Act, which provides that a person shall not be qualified to hold the seat unless he is qualified to hold a seat of the same class in the Coorg Legislative Council.

them in detail, we would observe that (save in respect of one constituency in Bihar) all provinces are agreed in recommending that the constituencies for the Council of State should be single member, and it is obvious that, given the very small electorate, the small number of seats available and the large areas to be covered, much difficulty might arise from an endeavour to create multi-member constituencies, which would have to cover a large number of districts, or in some cases more than one Commissioner's division. The basis adopted by local Governments for the delimitation of these constituencies varies. In some cases population has been accepted as the criterion, though most provinces have also given weight to considerations of voting strength and area. It is fairly clear that in dealing with seats so few as those available in the case of the Council of State, particularly where the smaller provinces are concerned, there is not a great deal of room for difference as to the delimitation of the territorial constituencies, and in every case the recommendations of local Governments have, so far as we can judge, the general support of public opinion in the province concerned. It is of less importance in these circumstances to arrive at any uniform principle for the delimitation of the constituencies in the different provinces, and, as in the case of the Provincial Legislative Councils, we have contented ourselves with ensuring that the recommendations submitted to us are generally suitable, and that they have general public support.

#### MADRAS.

699. Of the twenty seats allotted to Madras, fourteen are general, and four Muhammadan. In addition, one seat is reserved for women and one for a representative of the scheduled castes. As explained in paragraph 694 above, our recommendations in the case of Madras, as in that of the other provinces, do not extend to the seats reserved for women or the scheduled castes. The local Government, in agreement with the Provincial Committee, recommend that the fourteen general seats should be allotted on a basis of population. They propose to create ten constituencies consisting of a combination of two districts, and four constituencies—Tanjore, North Arcot, South Arcot, and Salem,—consisting of a single district. The total number of electors in the general constituencies is estimated at 24,270. For the Muhammadan constituencies, the number of electors is estimated at 1,169. The local Government, in agreement with the Provincial Committee, recommend that the four Muhammadan seats should be formed in a single four-member constituency, on the ground that the number of voters is too small in most districts to justify the formation of separate single member constituencies. They recommend that voting in the case of the Muhammadan constituencies should be by post, and that in the case of the general constituencies it should be direct. The Provincial Committee are in favour of the use of the single transferable vote in the multi-member Muhammadan constituency. But the local Government prefer the single non-transferable vote.

700. We regard the proposals of the local Government for the delimitation of the constituencies as generally suitable. They have the concurrence of the Provincial Committee and of public opinion. As for the

*Qualifications of electors.*

695. Paragraph 6 of the First Schedule to the Government of India Act lays down the general communal qualifications required in the case of electors to the Council of State, and provides that subject to the possession of the qualifications in question, the qualifications of voters shall be such as may be prescribed. His Majesty's Government, in the White Paper published on 1st October 1935, have set out the qualifications which they propose to recommend to Parliament in the case of the electors to the various territorial constituencies in the Council of State, and no recommendation on the point is therefore called for from us.

*Qualifications of candidates.*

696. As regards the qualifications of candidates, paragraph 11 of the First Schedule to the Government of India Act provides that a person shall not be qualified to hold a seat in the Council of State unless, in the case of a seat allotted to a Governor's province or a Chief Commissioner's province, he is qualified to vote in a territorial constituency in the province at an election of a member of the Council of State, or, in the case of a seat allotted to British Baluchiistan; unless he possesses such qualifications as may be prescribed. The same paragraph provides that in the case of a seat allotted to the Anglo-Indian, the European or the Indian Christian community, the qualifications of a candidate shall be such as may be prescribed.

697. The qualifications of candidates for the ordinary territorial constituencies have thus been settled by the Act. In the case of British Baluchiistan, His Majesty's Government have decided that the seat should be filled by nomination by the Governor General, and they have likewise set out, in the White Paper of October 1935, the qualifications of candidates. In the case of the seats allotted to the Anglo-Indian, the European and the Indian Christian communities, we recommend that a candidate should possess the qualifications set out in the first paragraph of the First Schedule to the Government of India Act, and that he should in addition be an elector in the constituency.

*Selection of constituencies to be filled for varying periods at the first election.*

Paragraph 13 of the First Schedule to the Government of India Act, 1935, provides that the seats allotted to the various provinces and communities shall, on the occasion of the first election under the new constitution, be filled for varying periods. We have embodied in our recommendations the proposals we have received from the different provinces as to the seats to be filled for three, six, and nine years respectively. Those proposals in every case appear to have general support, and we regard them as satisfactory.

*Proposals of individual provinces.*

698. The proposals of the different provinces for the delimitation of their territorial constituencies and our recommendations regarding them are contained in paragraphs 699 to 718 below. Before proceeding to examine

Muhammadan rural seats on considerations of the geographical distribution of districts and divisions and of population. Of the six general seats, two fall under their proposals to the Burdwan division, one to the Presidency division, one to the Rajshahi division, one to the Dacca division, and one to the Chittagong division. Of the nine Muhammadan seats, two fall to the Burdwan and the Presidency divisions, and the remainder are divided between the districts of the remaining three Commissioners' divisions in the Presidency.

*Our recommendations.*

704. The proposals of the local Government have the support of the Provincial Delimitation Committee, and save on two points they appear to have provoked no criticism in Bengal. The two points in question are (a) whether an urban general seat should not be allotted to Eastern Bengal, and (b) whether it would not be desirable in the case of the Muhammadan rural seats to include one district of the Presidency division in the Burdwan division constituency, in the interests of securing a closer relation between the population and the seats allotted to the Burdwan and the Presidency divisions, respectively. As regards the first of these points, we were ourselves disposed to think that there would be advantage in giving some urban representation to Eastern Bengal. We have, however, discussed this matter with the local Government, who remain of opinion that the distribution which they recommend is the best. They point out that they have based their proposals on the creation for the representation of urban interests of constituencies identical with those in the present Legislative Assembly. They urge that those constituencies are sufficiently representative of urban areas in the whole Presidency, and they note that the argument advanced in the case of Eastern Bengal is equally true of Northern Bengal, and that it would be impossible to distribute one or two urban seats over the whole of the Presidency. In the circumstances, and in the light of discussion with them, we accept the local Government's view.

705. The second criticism to which we have referred above is one which has also *prima facie* some substance in it. The population of the Burdwan division (excluding the municipalities in the Hooghly and Howrah districts, which will be included in an urban constituency) is 1,132,081, and the population of the Presidency division is 4,327,618. The desirability of including one district of the Presidency division in the Burdwan division constituency was, however, discussed at length in the Provincial Delimitation Committee. That Committee by a majority thought it preferable to adhere to the principle of divisional constituencies, and the local Government, who, in the light of the Committee's view, again carefully reviewed the position, reached the conclusion that, in view of the restricted electorate (it is unlikely that the Muhammadan electorate in either division will be as large as 1,000), there was no necessity to break up either of the divisions. We accept their view on this point, and we regard their remaining proposals for the delimitation of the constituencies as generally suitable.

method of voting to be adopted in the case of the multi-member Muhammadan constituency, we see no objection to the local Government's proposal for the employment of the single non-transferable vote, and we accordingly recommend it for acceptance.

#### BOMBAY.

701. Of the fourteen seats assigned to Bombay, one is reserved for a representative of the scheduled castes and one for women, while ten are general and four Muhammadan. The Provincial Committee and the local Government favour the adoption of a combination of population and voting strength, as in the case of the Provincial Legislative Council, for the basis of the territorial constituencies. On this basis, two general seats fall to the city of Bombay. The remainder of the general seats are allotted to rural areas, and, in the composition of the constituencies, it is proposed to ignore revenue divisions, to group together contiguous districts having regard to their population and voting strength, and to allocate one seat to each constituency so formed. The Provincial Committee remark that they "realise that such an arrangement will result in single-member constituencies, but though we adhere to the view that the conditions of this Presidency make plural member constituencies preferable, we think that having regard to the very small number of seats available for each district, the constituencies will be unmanageable if more than one seat is provided for each"; and the local Government share their view. Of the four Muhammadan seats, one on considerations of population and voting strength falls to Bombay City, and of the remaining three, one each is allotted to the Northern, the Central and the Southern divisions. It will be seen that the general effect of the local Government's proposals is to allot three seats to the representation of urban areas and to create single-member constituencies save in the case of the general seats allotted to Bombay city. The local Government's proposals have provoked no public criticism. We regard them as suitable, and recommend them for acceptance.

#### BENGAL.

702. Of the twenty seats assigned to Bengal, one is reserved for women, and one for the scheduled castes, eight are general and ten Muhammadan.

703. The local Government think it desirable to assign some representation to urban areas. They admit that the basis of selection must be to a large extent empirical, and they have adopted accordingly the ratio of urban to rural seats which holds good in the case of the Bengal seats in the existing Legislative Assembly, the effect of which is to allot three seats to urban areas. They remark that "any attempt to assess urban weightage on the basis of population or voting strength in the case of the Council of State would be meaningless and infructuous", and they are of opinion that the plan which they recommend, which involves the creation of urban constituencies co-terminous with those proposed for the provincial Legislative Council and identical with the present Legislative Assembly constituencies, will give satisfactory results, and will reduce administrative difficulties. They propose to allot the six general and the nine

the former constituency. We invited the local Government to consider this matter. But they inform us that no general criticism of their proposals has been received, and that on a review of all the circumstances, including administrative suitability, they regard their own delimitation of these constituencies as preferable. The matter is not one of great importance, and, having regard to their considered opinion, we do not press for the adoption of the suggestion now under discussion. In other respects, we regard the proposals of the local Government as suitable.

#### BIHAR.

708. There are sixteen seats, ten of which are general and four Muhammadan, while one is reserved for women and one for the scheduled castes. With the exception that in the Council of State there are ten general seats, while in the provincial Legislative Council there are nine only to be filled by direct election, the number of general and Muhammadan seats in the two bodies is the same. In the circumstances the local Government have recommended that the constituencies for the Council of State seats should be identical with those which they propose for the directly elected seats in the provincial Legislative Council, with the exception that two seats should be allotted to Patna-Shahabad instead of one. Their recommendations, as stated in paragraph 645 of our report, which deals with their proposals in respect of the provincial Legislative Council, are based on population, on voting strength, and on administrative convenience. Having regard to the small number of voters, and to the fact that they are scattered over extensive areas, they recommend that voting should be by post, a procedure which they regard as easier alike for the voter and for the administration. All constituencies will be single-member with the exception of the Patna-Shahabad constituency, to which two seats are allotted. The estimated number of electors for the general seats is 7,720, and for the Muhammadan seats, 1,767.

709. The proposals of the local Government have the support of the Provincial Committee and of the public, and we recommend them for acceptance.

#### THE CENTRAL PROVINCES AND BERAR.

710. There are eight seats, of which six are general and one Muhammadan, while one is reserved for a representative of the scheduled castes. The question of most importance in the case of this province is of course the distribution of the seats between the Central Provinces and Berar. The Provincial Committee have agreed that a suitable basis of division would be the allocation of two general seats to Berar, and four to the Central Provinces. The single Muhammadan seat, the electorate for which is estimated at approximately 500, will be shared by the Central Provinces and Berar. The proposals of the local Government ensure that the voting strength and population in the Central Provinces and the Berar constituencies respectively shall be equal, but, as may be gauged from the fact that there are 1,907 electors only in Berar, while there are 5,028 in the Central Provinces, the voting strength in the Berar constituencies will on an average be considerably lower than that in the constituencies assigned to the Central Provinces. Election will be direct, by ordinary ballot. The local

## THE UNITED PROVINCES.

706. There are twenty seats, eleven of which are general and seven Muhammadan. One is reserved for the scheduled castes and one for women. The local Government recommend that the constituencies should in all cases be single-member. As regards the representation of urban interests, they remark that in the present Council of State, in which, however, five seats only are assigned to the United Provinces, there is no representation of urban interests, although two seats out of fourteen are assigned to urban areas in the present Legislative Assembly. The local Government consider that it is desirable to accord some degree of separate representation to urban interests in the future Council of State, and they suggest that having regard to the small number of seats available, one general and one Muhammadan urban seat will suffice. They recommend that the urban constituencies should be based on the eight towns in the province which have a population of 100,000 and over. (It may be remarked that in the present Legislative Assembly, the seven largest towns in the province form the constituency for the two urban seats.) As regards the rural seats, they contemplate the allocation of the ten general seats to the ten Commissioners' divisions in the province.

Of the six Muhammadan seats, four would be allotted to four groups of two divisions, one to the Lucknow division and one to the Fyzabad division. In framing their recommendations, the local Government have given consideration to geographical contiguity, to the desirability of securing a reasonable degree of representation for the different divisions in the province, and to the importance of ensuring that the electorate in each constituency is of reasonable size. There has been practically no criticism of the recommendations of the local Government, which we regard as well suited to the conditions of the province, and we recommend them for acceptance.

## THE PUNJAB.

707. Three of the sixteen seats allotted to the province are general, four Sikh and eight Muhammadan, while one seat is reserved for a representative of women. The average electorate per seat under the local Government's proposals will be 760 in the case of the Muhammadan seats, 807 in the case of the Sikh seats, and 2,144 in the case of the general seats. It will be seen that the average is very distinctly higher in the case of the general than in the case of the Sikh and Moslem seats but, given the large number of general electors (6,434) and the fact that three general seats only are available, this is unavoidable. The local Government in framing their delimitation proposals have given weight to the desirability of securing that no part of the province is left without representation, and to considerations of population and of administrative convenience. Their proposals have been generally accepted in the province, with the exception that we have received a recommendation that Ferozepore should be transferred from the Lahore division seat to the Sikh seat, which is allotted under the local Government's proposals to the Rawalpindi and Multan divisions, Gujranwala being transferred from the latter to

the single Muhammadan seat is 83 only, and it is proposed that it should cover the whole area of the province. In the case of the general seats, the local Government are in favour of single member constituencies ; and they propose to distribute the four seats available to Cuttack, Balasore, Puri with Sambalpur, and to a south-western Orissa constituency. The electorate in these four constituencies will be 335, 170, 236 and 169, respectively. The local Government inform us that it is impossible to secure a closer relation between the size of the electorates in the different constituencies without cutting across the boundaries of districts and so causing great administrative inconvenience. Their proposals have met with general acceptance in the province, and we recommend them for acceptance.

#### SIND.

714. There are five seats, two general and three Muhammadan. The local Government base their proposals on the district as the unit, on voting strength, and on the desirability of giving adequate representation to all parts of the province. Applying these principles, they accordingly propose that the three Muhammadan seats should be allotted to constituencies representing Western, Eastern and Northern Sind, and that the two general seats should be assigned to constituencies representing respectively Northern and Southern Sind. The constituencies have been arranged with a view to including in each, so far as local conditions permit, its due proportion of voters. The proposals of the local Government have the full support of the Provincial Delimitation Committee, and, so far as we can judge, of public opinion, and we recommend them for acceptance. The constituencies will, in all cases, be single member.

#### BRITISH BALUCHISTAN.

715. The single Muhammadan seat assigned to this province will, under the provisions of the White Paper, dated 1st October 1935, be filled by nomination by the Governor General, and we make no recommendation regarding it.

#### DELHI.

716. The Chief Commissioner, with whom the Government of India agree, recommends that the whole province should form the constituency for the single general seat allotted to Delhi. The estimated electorate for the seat is 973. We agree.

#### AJMER-MERWARA.

717. The Chief Commissioner, with whom the Government of India agree, recommends that, as in the case of Delhi, the whole province should form the constituency for the general seat allotted to Ajmer-Merwara. The estimated electorate is 707. We accept the Chief Commissioner's recommendation.

#### COORG.

718. One general seat is allotted to Coorg, and the electorate for it is estimated at 300. The Chief Commissioner recommends that the whole province should form the constituency : the Government of India agrees, and we accept their view.

Government's proposals have the support of the Provincial Committee and public opinion, and we regard them as suitable.

#### ASSAM.

711. Five seats are allotted to Assam, of which three are general and two are Muhammadan. The question of importance is, as in the case of the Provincial Assembly and the Provincial Legislative Council, the distribution of these seats between the Assam Valley and the Surma Valley. The local Government, in the light of the views of the Provincial Committee and of the public, propose to allot one Muhammadan seat to the Assam Valley with certain hill districts, and one to the Surma Valley with the district of Cachar and the Lushai Hills. The electorate in the Assam Valley constituency is estimated at 150, and that in the Surma Valley constituency at 360. Of the three general seats, they suggest that two should be assigned to the Assam Valley and one to Sylhet, with district of Cachar and the Lushai Hills. The total electorate for the Assam Valley seats is estimated at 1,100, and that for the Surma Valley seats at 850. The constituencies will in all cases be single member, and it is proposed that postal ballot should be employed. The local Government's recommendations have the support of the Provincial Committee, and have evoked no criticism, and we regard them as suitable.

#### THE NORTH-WEST FRONTIER PROVINCE.

712. Of the five seats assigned to the Province, one is general and four are Muhammadan. The local Government recommend that all the constituencies should be single member, and that the one general seat, the electorate for which is estimated at 600, should cover the whole province. Of the four Muhammadan seats, they suggest that one should be allotted to the representation of urban interests, and that it should comprise all the municipalities, cantonments and notified areas. The estimated electorate is 2,000. They propose to allot the three remaining seats to the Peshawar district, to the Hazara district, and to a constituency comprising the districts of Kohat, Bannu and Dera Ismail Khan. The electorates in these three constituencies are estimated at 600, 200, and 600, respectively. As will be seen, the total electorate for the three rural constituencies falls short by some 600 of the estimated electorate for the single urban constituency. But we agree with the local Government that it is desirable in the first place, having regard to the relative importance and the character of the urban element in the province, that separate representation should be allotted to urban interests; and secondly that, having regard to considerations of area, population, and communications, three seats are the minimum which can reasonably be assigned to the five rural districts in the province. The local Government's proposals have the general support of public opinion, and we recommend their acceptance.

#### ORISSA.

713. Under the provisions of the Act, one seat is assigned to the Muhammadan community, while four are general. The electorate for

rival candidates, the nomination paper contains an adequate description of the name and address of the candidate. This would also tend to shorten the election proceedings, as at present a week is usually given for consideration of the nomination paper. It should be ample if on the day appointed the candidate, either in person or by his proposer or seconder, presented the nomination paper to the Returning Officer, who would at once proceed to scrutiny with the help of any criticism which might be advanced by the opposing candidate or candidates. We propose a minor change in the procedure here in allowing either the proposer or seconder to present the nomination paper, because in India, with its constituencies composed of large areas, its climate, and in places the difficulty of communications, together with the chances of illness, it is difficult to ensure everywhere that two men can be present at the same time. The signed declaration for the appointment of an agent should accompany any one of the nomination papers.

724. It will still of course be necessary for the Returning Officer to satisfy himself that the candidate is qualified to stand—e.g., that he is a British subject, over the age of 25 years, and complies with any residential qualifications that may be prescribed. Once the Returning Officer has satisfied himself that the candidate is qualified, and does not suffer from any of the disqualifications specified in section 69 of the Act, the description of the candidate and his address should give him no difficulty, and should easily be made a matter of agreement.

725. It will, of course, be quite open to a candidate to oppose a nomination paper on genuine rather than technical grounds. He might, for example, state that his opponent had been an election agent at the last election, and that as neither he nor his candidate had lodged a return of election expenses, he therefore, was disqualified to stand as a candidate. In such cases the Returning Officer would have to make any necessary enquiries and satisfy himself as to the truth of the objection.

#### *The electoral roll.*

726. Under the new conditions there will be a greatly increased electorate, and recourse will have to be had in many provinces to local presses for printing the registers. It appears to us that the Returning Officers, or the Presiding Officer as the case may be, should be given power to correct a printer's mistake or omission in the electoral roll. There is a case on record, where on the day of the nomination it was discovered that the name of the candidate's seconder, though it had appeared in the first publication of the roll, had been omitted from the final edition, possibly by some arrangement with some one in the press. Apart from this, proof reading in the vernacular is always difficult, and if, as suggested in some provinces, scheduled caste electors are merely to be distinguished by an asterisk, this mark may easily be misplaced against another name. The electoral regulations of all provinces provide that "the electoral roll of any constituency as amended and supplemented shall be conclusive evidence for the purpose of determining whether any person is an elector in such constituency."

## PART V.

## CHAPTER XXI.—CONDUCT OF ELECTIONS.

719. It is, we believe, many years since there has been an election petition in the United Kingdom. In India they average seven a year.

We have already in Chapter V, when dealing with the question of primary elections, indicated the need for a special summary procedure. There are, however, in our opinion definite advantages to be gained if one of the main grounds on which, in the past, elections have been impugned can be removed.

A perusal of the reports of the various Election Inquiry Commissions discloses a remarkably large number of petitions based on purely technical grounds.

*Nomination of candidates.*

720. For example, in Madras there has not been any case founded on an objection to the nomination of a candidate. In the other provinces these have been as frequent as they are unnecessary. In the Madras Presidency, it was recognised that all that was needed was adequate and accurate publicity, the name, description, and address of the candidate to be such as might be clear to all the electorate. In the other provinces, candidates were encouraged to put forward "hair splitting" objections, which were far too often upheld. A few examples follow.

721. In one case the Returning Officer rejected the nomination paper because the signature of the candidate included the words meaning *Bakalam khud*, or that the signature was written by his own hand. In another, where the Returning Officer had before him the two candidates, advocates practising in his court, the nomination paper was rejected because the electoral roll shewed that the candidate's age was 'over 21' and not 'over 25' years of age. In others, the spelling of a name, for which there were various methods, e.g., Rao or Rau, Singh or Sinha, was considered sufficient to disqualify the candidate. Instances could be multiplied.

722. Each of such cases costs the taxpayer a considerable sum. The objection having been entertained by the Returning Officer, costs cannot be given against the objector, though in some cases the respondent has been mulcted for carelessness in filling up the paper, and thus causing the objection. This lack of common sense on the part of the official cannot, in the absence of proved malice, saddle him with the cost of an expensive Commission of Inquiry, and the public purse has to bear charges which may range from Rs. 3,000 to Rs. 5,000. And this apart from the waste of time and the necessity for a fresh election, possibly a second contested election.

*Our recommendation.*

723. We therefore suggest, and we do this with the full approval of all the provincial Governments, that the rules regarding the receipt and scrutiny of nomination papers should be altered. It should be one transaction. The duty of the Returning Officer should be restricted to seeing that, after considering any criticisms or suggestions made by

while presenting the petition. If it appears to the President that the cost of setting up of the Commission is likely to exceed the deposit made by the petitioner, he requires him to execute a bond in such amount, and with such surety, as he considers necessary for the payment of any further costs. The Commissioners have full power to determine by, and to whom and to what extent such costs shall be paid."

In most provinces the provincial Government meet the cost of the enquiry in respect of petitions arising out of elections both to the Provincial and the Central Legislatures.

*Governor's Rules and administrative improvements.*

729. Elections are undoubtedly under the new constitution going to play an important part in district administration. We have seen that in municipal elections, and in those held for district and local boards, the interest taken is so keen as to lead to malpractices. It would therefore seem desirable that in every collectorate, and possibly in every sub-divisional office, there should be a recognised Elections Department, just like the Land Revenue, Excise, Land Acquisition or Partition departments. Whether it would on the whole be simpler to have a yearly revision of the register is a matter for each local Government to decide. In the case of some special constituencies, especially the European, where changes are frequent, it would be most convenient to the electorate if changes could be made in the electoral roll at any time, and we have been asked to recommend that rules to this effect should be made. In the University constituencies every year new electors can claim admission to the register. When election to the Federal Assembly comes into force, there will probably be a large number of by-elections in the provinces. Some arrangement for keeping the electoral rolls up to date would therefore be convenient.

730. Matters would be simplified if the conditions of franchise for local bodies were the same as for the provincial Legislature. In some provinces they differ, and include an educational qualification for candidature. The large increase in the electorate, and, as a probable consequence in the number of polling stations, may mean recourse to the lower ranks of the official hierarchy in the search for Presiding Officers, and a fairly large number of inexperienced polling officers. This aspect of the question was closely examined by the Indian Franchise Committee (paragraphs 22-25). We would only here point out that mistakes and mishaps are likely to be even more frequent in the future. Cases are already on record where a Presiding Officer has found himself in a distant part of the constituency with the wrong electorate register : where the stamping machine has been left behind ; or where from some unforeseen cause it has not been possible to hold the election.

All provincial electoral rules contain the following provision :—

" If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll or as to the holding of any election under these rules, the local Government may by order do anything not inconsistent with these rules which appears to

We suggest that in the case of such obvious mistakes the electoral roll should not be regarded as absolutely binding on either the Returning Officer or the Presiding Officer, and that he should be empowered to make such enquiry, if any, as he may consider necessary to correct the mistakes.

*Commissions of Inquiry.*

727. The procedure in regard to the holding of Commissions of Inquiry varies in different provinces. In the Punjab under the Sikh Gurdwaras Act, 1925, it became necessary to constitute a tribunal consisting of a High Court Judge as President, and two members, whose qualifications are laid down in the Act. Since 1926 all election petitions have been dealt with by them, with no extra cost to Government. It appears likely that this tribunal will be dissolved after a few months from now. Then it will be necessary to constitute a special tribunal for the purpose of election petitions. The constitution of the Commission according to the rules is the same for all, namely, that the Governor shall appoint as Commissioners for the trial of the petition three persons, who are or have been or are eligible to be appointed Judges of a High Court. In some provinces every effort has been made to include as one of the three Commissioners a Judge of the High Court. It would, in our opinion, be satisfactory, if such an appointment were made obligatory, for that alone will ensure, what we regard as most desirable, that there should be a recognised *corpus* of election law derived from an unimpeachable authority.

*Payment of costs.*

728. An election petition is always an expensive affair for the taxpayer, and the cost of it should, we suggest, be borne by the unsuccessful party in the enquiry. This is the practice usually observed in Bombay. A recommendation is made by the Commissioners as to the total amount of cost which is payable, and as to the persons by and to whom such costs should be paid. It may include the cost to be paid to the Advocate General or to the person who may have appeared before the tribunal on his behalf in compliance with an order of the Commissioners. We recommend for adoption the system followed in Bombay, which is as follows:—

“The inquiry is held at a place appointed by the Governor. On the appointment of the Commissioners, Government place at their disposal a grant to meet necessary expenditure on account of postage, stationery, travelling allowances, establishment, etc. The Commissioners are usually paid an honorarium of Rs. 100/- per day in the case of non-officials, and Rs. 50/- in the case of officials. These charges are treated as part of the cost of the Commission. Besides the cost of the setting up of the Commission, the costs allowed by the Commissioners to the Advocate General if he is summoned by them, the expenses incurred by witnesses, and the fees of his adversary's pleader, are treated as part of the cost of the Commission of Inquiry.

The cost of setting up of the Commission, unless paid by the party is first recovered from the deposit of Rs. 1,000 made by the petitioner

India on the contrary withdrawals play an important part in any election to the Provincial or Central Legislatures. The general rule regarding withdrawals runs as follows :—

“ Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer or other person authorised on or before 3 o'clock in the afternoon on the date succeeding that appointed by the local Government for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.”

In case of withdrawal after the prescribed time the candidate forfeits his deposit.

735. The following table exhibits the numbers of withdrawals in the various provinces. They justify the belief, which we found to be commonly held, that collusive withdrawals were not infrequent, and that in certain cases it was found more economical to buy off one's opponent than meet the cost of a contested election. The absence for the most part of any party system, the fact that the voter is generally more concerned with the personality of the candidate than with his principles, and the total lack of any public feeling in such cases, contribute to deprive some candidates of any sense of gregarious responsibility.

*Withdrawals (a) after nomination and (b) after scrutiny.*

Province.	Year.	After nomination.	After scrutiny.	Remarks.
A.—PROVINCIAL COUNCILS.				
Madras	.. ..	1926 1930	3 11	12 35
Bombay	.. ..	1930	5	30
Bengal	.. ..	1926 1929	5 5	34 61
United Provinces	..	(Not available).		
Punjab	.. ..	1930	*2	*23 *Information in respect of 7 districts not available.
Bihar and Orissa	.. ..	1926 1930	3 15	18 55
Central Provinces	.. ..	1926 1930	.. ..	4 31
Assam	.. ..	1926 1929	6 10	.. 5
North-West Frontier Province	Frontier .. ..	1932	2	..

it to be necessary for the proper preparation or publication of the roll or for the proper holding of the election."

We feel sure that in most provinces it will be found necessary to have recourse to this or a similar rule, and that the Governor acting in his discretion will have to pass orders for the proper holding of the election.

*Election manual and election law.*

731. Lastly we have been impressed by the fact that, at present, elections are regarded rather like a census operation, as an extra, and perhaps rather vexatious, work, to be undertaken and carried out with such improvisation as can be arranged. More definite permanent administrative arrangements appear to be necessary in the interests of candidates and constituents. We found that our suggestion that an "Election Manual" should be prepared, giving full and detailed instructions in all matters connected with elections, from the preparation and printing of the electoral roll down to the declaration of the result of the poll and the subsequent custody and recording of the important papers was favourably received. It would replace the circular orders and letters issued on the eve of every general election. An intimate acquaintance with such a manual, combined with a knowledge of the case law on the subject, might well be included in the list of subjects at the Departmental Examinations which all gazetted officers have to pass.

*Departures from English electoral practice.*

732. During our tour we received certain information from the various local Governments and from witnesses and also in informal discussions, which we venture to include in our report. In some cases a definite request has been made that we should do so. In others, on the principle, that we should submit any suggestions which may tend to the convenience of the elector, facilitate the conduct of an election, or obviate difficulties, whether purely administrative or caused by nefarious practices, we have deemed it proper to state the facts as we found them, and, where it is possible, indicate possible remedies. Many of these matters, as for example, the actual recording of votes or the identifying of voters can be dealt with by Governor's Rules. It might, however, we conceive, be of some advantage if, like the present regulations for holding elections, these were generally uniform.

733. Our enquiries reveal marked differences between elections and electorates in India and in the United Kingdom. The laws and the procedure, slowly elaborated in the latter country from the experience of two centuries, have nearly *in toto* been reproduced in India. It may therefore be of some interest to see how far they have been assimilated, and whether any adjustments have been found necessary, and if so what steps can be taken to make them.

*Withdrawals of candidature.*

734. In the first place there are in an election in the United Kingdom very few withdrawals of candidature, certainly none after the nomination has been accepted and published by the Returning Officer. In

Four methods are adopted in India—

*A.*—The marking of the ballot paper with a cross, illiterate voters, who form the large majority of electors, being assisted by the Presiding Officer, or where the voters are numerous, by his polling clerks.

*B.*—The token system, under which, to facilitate voting by illiterate voters, the different candidates are represented by such symbols as umbrellas, cars, bicycles, trees or some kind of animal. The symbol may either be placed on the boxes in which the voter will deposit his ballot paper, or a picture of the token is reproduced opposite the candidate's name on the ballot paper.

*C.*—The coloured box system, under which different colours are assigned to the various candidates.

*D.*—Voting by postal ballot.

*A. Marking the ballot paper.*

739. In order to assist illiterate voters in marking their ballot papers, and to ensure the correctness of the entry, there is a regulation both in the United Provinces and the Punjab to the following effect:—

“ Notwithstanding anything contained in Regulation 12, if any elector is, by reason of illiteracy or infirmity, unable to vote in the manner prescribed, the Presiding Officer shall at his request in the view of any polling agents who are present make a cross on the ballot paper according to the direction of the elector and shall cause the ballot paper so marked to be placed in the ballot box.”

740. Since probably ninety per cent. of the enlarged electorate will be illiterate, these precautions, based on the mistrust of the polling officer, effectually remove any pretence at secrecy of the ballot. Shocking as this may appear to an English elector, we can discern no remedy pending the education of the electorate. We suggest, however, that the rule might be differently worded, and might be to the effect that the polling officer shall make a cross on the ballot paper according to the direction of the elector, showing the same, *if so requested by the elector*, to any one person whom he may designate. This would enable an elector to bring a literate friend with him if he so desired.

The Governments of the United Provinces and the Punjab propose, we understand, to retain this system of marking the ballot paper. In Madras and Bengal it will be abandoned in favour of the coloured box system.

*B. The token system.*

741. In this case a token such as a tree, an umbrella or a bicycle, is printed on the left side of the ballot paper opposite each candidate's name and the voter is instructed beforehand by the candidate as to the particular token against which he is to put his mark. The question has been carefully examined by the Madras Government, an extract from whose note is given in the Appendix to this chapter.

742. We suggest for the consideration of the local Governments concerned whether it might be possible, should they decide to adopt the token system, to have fairly large and substantial tokens made of wood, which

## B.—LEGISLATIVE ASSEMBLY.

Province.	Year.	After nomination.	After scrutiny.	Remarks.
Madras	1926	..	..	
	1930	5	9	
	1934	1	10	
Bombay	1930	2	6	
	1934	1	3	
	1926	..	1	
Bihar and Orissa	1930	1	5	
	1934	..	6	
	1926	..	..	
Central Provinces	1930	..	..	
	1934	..	8	
	1926	1	..	
Assam	1930	..	2	

There are of course a large number, probably the majority, of perfectly honest withdrawals. For example, three gentlemen may put their names down for three constituencies, and wait to see who is opposing them before they decide among themselves for which constituency they will stand. Others at the scrutiny may realize that their chance of election is small and retire. But apart from this we have no reason to disbelieve, although there is only one proved case on record in the Election Petition cases, that there are occasions of dishonest collusion.

736. To suggest any remedy is extremely difficult, for naturally in such cases no definite evidence is forthcoming. An allegation of illness, or a family event, in the interval between the acceptance of the nomination paper and the poll may arouse suspicion, but no elector will go to the expense of an election petition on the chance of converting rumour into fact.

737. We are not in favour of raising the deposit for candidature. In the case of the scheduled castes we have suggested that it should be lowered. Withdrawal, it was suggested, however, might be made a little more difficult if the consent of the proposer and seconder had also to be obtained. We think that, as in the case of the nomination, such notice of withdrawal should be presented by the candidate personally or by any of his proposers or seconds. We find it very difficult to suggest any practical remedy, since a candidate can still ostensibly stand and go to the poll, having let his supporters know that he wishes them to vote for his opponent. Nevertheless we deem it right to give prominence to the fact that withdrawals, more especially with the large increase in constituencies, may become an increasingly unpleasant feature of Indian elections.

*Method of recording votes.*

738. To understand the difficulties to which we refer below in connection with personation, we have to travel the same ground as the Indian Franchise Committee did (paragraph 19 and Appendix V) in dealing with polling methods.

Officer. That even this system of voting has been the subject of trouble is illustrated in a report from the Government of Madras:—

“It was at an election to the Council of State in 1925 that the defects of the postal system of voting were first brought to notice. The matter was the subject of an election petition. The irregularities alleged were that the respondent through his agents got a large number of voters merely to put their signatures to the declaration forms. He then took charge of the voting papers without permitting them to put any marks there and despatched them to the respondent in Madras, when the papers were marked and filled up at Madras under the instructions of the respondent. . . . The respondent marked for himself and for another first and second preferences as he chose in the ballot papers which came to his possession.”

The Returning Officer of an Indian Commerce constituency in Madras where postal voting was the practice reported that voting papers had been received from electors who were known to be dead. The votes had to be admitted in the absence of any provision in the regulations for their rejection. He also reported that in six cases in which voters obtained new ballot papers under regulation 42, on the ground that they had not received the original papers sent to them, both the original and the new papers were used to record votes. He considered that the postal voting system afforded many opportunities for chicanery, and that it was unfair both to the electors and to the candidates.

746. A remedy, other than display of independence on the part of the elector, can be found in the adoption of the system which obtains in some provinces, whereby the voter has to appear before a Magistrate and sign in his presence. The Magistrate certifies to the identity of the voter, and returns the ballot paper in a sealed envelope to the Returning Officer. It is difficulties of the kind described above that have led us to suggest that Government officials should be Returning Officers for all Commerce constituencies.

#### *Challenging.*

747. The challenging of voters has in some places been used as a method for delaying an election. The agent of a candidate, having seen that a considerable number of his supporters have voted, then challenges repeatedly, knowing that owing to the short time remaining before the poll he can by this means, prevent a large number of votes being cast on the other side. In one election out of a hundred challenges only three resulted in “tendered votes”. This device has been detected, but there are at present no means of stopping it other than by ordering the agent out of the polling booth. It was pointed out in Madras that—

“The regulations as they stand do not impose any obligation on the Presiding or Returning Officers to take steps

could be screwed on to the ballot boxes, and which could be more easily recognised by the illiterate voter than a small reproduction of the same on the ballot paper. It might be possible to make this a branch of the Jail industry combining with it the manufacture of ballot boxes.

*C. The coloured box system.*

743. The Indian Franchise Committee reported as follows :—

“ The system we recommend is the coloured box or symbol system, which is in use in Ceylon and has also been tried successfully in India. In the polling compartment, boxes bearing distinctive colours or symbols are placed, one box being provided for each candidate. The colour or symbol assigned to each candidate is fixed some days before the polling takes place, and the voters have no difficulty in ascertaining the colour or symbol assigned to the candidate for whom they desire to vote. The voter makes no mark on his ballot paper, but merely drops it into the box of the candidate of his choice.”

The trouble, however, is that all voters do not drop it in. Some are disposed to retain it with a view to sale later on, and in one election in Bihar towards the close of the poll such palmed votes commanded a high figure. An agent of a candidate collects these votes and arranges for a trustworthy voter to take them and to drop them all in the right box. In Ceylon this practice has been made a criminal offence. The only effective remedy is the presence of some one, either a constable or a clerk, to see that votes are actually deposited, and to prevent any tampering with the boxes. Here again the secrecy of the ballot is impaired, because the average voter, even if the officer who is watching is taken from a different part of the constituency, will still believe that it will be known and published as to how he voted. It seems to us necessary, however, that this precaution should be taken. Cases have been reported where the slit in one box had been filled up with clay with the result that a good many electors, to save themselves the trouble of opening it, had deposited their ballot papers in another box. In view of the large percentage of the electorate who are ignorant, it is impossible to expect the same degree of secrecy as obtains at elections in the United Kingdom.

744. It has been represented to us that this system of voting should be accompanied by the single non-transferable vote, in the interests of simplicity. In multi-member constituencies, especially where in addition there may be a seat reserved for the scheduled castes, the number of boxes would far exceed the number of primary colours, and might even necessitate a combination of three colours. In this event, recourse must be had to the token system referred to above ; but there appears to us to be no great difficulty in giving the voter three ballot papers, and telling him to put them in any box he likes or to distribute them as he likes. The real practical objection is that it multiplies the ballot papers and makes counting a more laborious task.

*D. Postal voting.*

745. In an educated electorate the ballot papers are sent out with a small envelope inside which the voter places his ballot paper after marking it, and then returns it in another envelope to the Returning

## APPENDIX TO CHAPTER XXI.

*Method of recording votes.*

It has been suggested that instead of having the colours or symbols on the boxes of the candidates the colours or symbols (or even miniature photographs of the candidates) may be printed on the ballot paper against the names of the candidates. The illiterate voters can identify the candidates of their choice by their colours or symbols, make the necessary marks on the voting paper in a room set apart for the purpose without anybody's assistance, and drop it into the ballot box in the presence of the Presiding Officer. This would do away with the necessity for the Presiding Officers to mark any papers on behalf of voters.

On the other hand, the use of distinguishing colours and photographs would enhance the cost of printing ballot papers. Apart from the cost, it has been observed that the main factor in the printing and issue of ballot papers is speed, and that the printing of different colours and miniature photographs on the voting papers in addition to the names of the candidates would take at least six times as long as at present when only the names of candidates are printed. Photographs may also present difficulties on account of the likelihood of delay in manufacture of blocks, and difficulty in getting a sufficiently clear impression from blocks of such a small size as a postage stamp (which would be about the size that could be employed on a ballot paper with a number of names) on a cheap quality of paper. It has, therefore, been suggested that if any addition to the present form of ballot papers is essential, symbols alone may be included, the whole to be printed in one colour only, in which case the cost as well as the time taken in printing the ballot papers would be considerably reduced. The use of symbols has been tried, but has not been found to be very successful. Generally the most familiar objects or animals such as an umbrella, bicycle, horse, plough, elephant, tiger, etc., are selected for the symbols, and pictures of these are printed on the ballot paper opposite to the name of the candidate to whom they have been allotted. Nevertheless, it has been the experience in places where this system of symbols has been tried, that an elector who is wholly illiterate often puts the cross against the name of the candidate other than that for whom he really intended to vote. Inaccurate or faint impressions of the symbols as printed on the ballot papers have been found to be partly responsible for these mistakes, and there have even been cases of electors who had never seen a bicycle or an elephant. This, of course, necessitates the selection as far as possible of still more familiar objects, but the fact remains that to an elector who is wholly illiterate, a symbol is not an entirely suitable guide and that the chances of mistakes are not altogether excluded. It has also to be borne in mind that if the symbol is much reduced in size, it does not fully or correctly represent the picture to an illiterate or ignorant voter, and that if it is made large, the size of the ballot paper and consequently the number of ballot boxes has to be increased—a factor which counts, especially in multi-member constituencies.

As regards the use of colours, whether these are to be printed on the ballot paper against the names of candidates, or painted on the ballot boxes, it has been pointed out that, where there are a large number of candidates it will be only too easy to run out of primary colours, and that if deep or light shades of the same colours are used, the illiterate voter will find it extremely difficult to distinguish between them. To meet this difficulty it has been suggested that, assuming that the only colours to be used are black, white, blue, yellow, green and red, when the number of candidates is more than six, some of them could be given two colours which would be printed on the ballot papers or painted on the ballot boxes as the case may be, with a line down the middle dividing the colours. The number of combinations that could thus be obtained with six primary colours would be 15, which with the six single colours would provide for 21 candidates for the same constituency. If the number of candidates were more than that, three colours could be allotted to some of them but this is an unlikely contingency.

towards the prosecution of any person charged with having committed the offence of personation : neither is it incumbent on the candidates or their agents to do so. As a matter of fact, in cases where there is a large difference in the number of votes polled for a successful candidate and the number polled by the unsuccessful candidates in a particular constituency, the comparatively few doubtful votes in respect of which personation is alleged or suspected are not of much importance, and consequently neither the candidates nor the election officers bestow any thought on them after the results of the election are declared. The result of this is that prosecutions in respect of the offence of personation at elections are so rare that candidates and their agents challenge voters far too often on unfounded charges of personation in order to gain their own ends at the polls. To prevent such abuses at future elections to the Provincial Legislature, it has been suggested that a deposit of a substantial amount may be demanded to be paid for each challenge brought forward by a candidate or his agent, the amount being liable to forfeiture if on enquiry the challenge is found to be frivolous and not made in good faith but with a view to waste time."

748. Orders on these lines might be worth consideration by local Governments. The point is in any event one which may in certain provinces be regarded as of sufficient importance to merit examination when Governor's Rules are being drafted.

The result is that in future, in the Presidency of Bombay, prosecution for personation will not require the authority of the local Government, and police officers will be able to arrest, without warrant, any persons reasonably suspected of personation. We recommend similar action to the Legislatures of the other Provinces, and we understand that this is being considered by several of them.

752. In many cases especially during the earlier general elections and in municipal elections even before it was found that several electors considered, quite honestly, that they were entitled to represent the actual elector. For example, a son would vote in place of his father, the latter being ill. These cases are, with a spread of knowledge of the law, becoming rarer, and personation may now be regarded as generally deliberate. There is no doubt but that with the increased electorate the detection of personation will be more difficult. A particularly difficult question is the identification of female voters, especially of those who observe *purda*. It is customary for such ladies to wear a ' *burqa* ', or large shapeless garment covering the whole body, leaving only small holes in front of the eyes. It was alleged that at a municipal election a large number of youths donned the ' *burqa* ', and successfully voted as women. One lady witness from whom we sought advice as to how this should be stopped, replied that " Were a woman to be present at the polling station, such deceit would once be made manifest ", the obviously right reply. Apart from this, there is, as actually happened, the possibility of an undesirable class of women putting on the *burqa*, and personating respectable ladies, who did not wish to vote. In one election one of these women claimed to have voted thirteen times. At one polling station the Presiding Officer, an Inspectress of schools found it impossible to deal with these women. We have referred to this matter in Chapter VI. Of the various suggestions that we have received only one seems practicable, that in the event of any challenge the male relative accompanying the female voter should be held responsible.

#### *Hiring and use of public conveyances.*

753. The next matter which we have to represent, at the request of several local Governments, may occasion surprise to an English Member of Parliament, but it is our duty to place ascertained facts on record. In every province, save perhaps those riverine tracts of Bengal and Assam where there are no roads, the hire of public conveyances is universal. Every candidate does it, and we were assured that, unless this were done, the percentage of the electors who voted would be much reduced. Especially will this be the case with women. In India, many of the electors will have to travel between five and seven miles to cast their votes. The following representation was presented to us from Tellicherry :—

" Another electoral reform which is highly necessary for us and the members of the scheduled classes is to provide proper facilities for the voters to record their votes. At present, one polling booth is located in one centre, to record the votes of

## CHAPTER XXII.—CORRUPT PRACTICES.

*Personation.*

749. In this chapter we discuss various corrupt practices. Common in some provinces, in others personation at elections is usually confined for the most part to elections to local bodies. The following is an account taken from a Karachi paper of recent date with reference to the results of an election enquiry into a municipal by-election :—

“ The main issue was one of personation. Forty-seven persons were detected in the actual act of personating. Dead persons were brought to cast their vote. A list of about 30 such persons was filed. About 250 persons who were out of Karachi had their votes recorded. Persons came in to vote in the name of the firms. The greatest tragedy was that voters living in Karachi went to the polling stations to find their votes already recorded. This number went over 100. A batch of Mauripur chowkidars came to vote after their release from duty at 2 and 5 P.M. to find their votes already recorded.”

It has been mentioned in several election petitions, but the evidence produced has not been sufficient to prove that—

“ the election of a returned candidate has been procured or induced or the result of the election has been materially affected by a corrupt practice”.

By the Corrupt and Illegal Practices Prevention Act, 1883, the offence of personation or of abetment thereof is in England a felony punishable by imprisonment for a term not exceeding two years with hard labour. In addition, the offender is disqualified from voting at an election or for holding any public or judicial office for a period of seven years. [Criminal Justice Administration Act, 1914, (4 and 5 Geo. V. C 58).]

750. In India, the penalties are much lighter, imprisonment which may extend to one year, or a fine, or both. Disqualification is for five years, and is removable by the local Government. In the provincial Electoral Rules, personation is included in the section which deals with the minor corrupt practices. At present under the provisions of section 196 of the Criminal Procedure Code, no Court can take cognizance of the offence of personation “ unless upon complaint made by order, or under authority from, the Governor-General in Council, the local Government, or some officers empowered by the Governor-General in Council in this behalf ”.

*Our recommendation.*

751. The Bombay Legislative Council has recently passed an Act, called the Bombay Criminal Procedure (Elections Offences) Amendment Act, 1935. The effect of this Act is—

- (a) to take the offence of personation out of the scope of section 196 of the Criminal Procedure Code ;
- (b) to amend Schedule II to the Criminal Procedure Code so as to make the offence of personation cognizable.

themselves". Intoxicating liquor is never supplied: it would outrage public opinion if it were, and in only one case did we hear of *arrack* being given to electors. This was in the province of Orissa, where the electorate was largely composed of aborigines and fishermen.

*Our recommendations.*

756. We do not advise any change in the existing law, as excessive expenditure would no doubt lead to the unseating of a returned candidate. No mention of expenditure of this nature is, however, made in the return of election expenses. It is sometimes the result of an arrangement between friendly candidates standing for different constituencies. "You pay the bill for my guests, and I will pay yours." Neither party had therefore spent money on refreshments in his own constituency. The expenditure on this account in some elections is reported to have been very large. We quote the following extract from the report of an officer in the Punjab :—

"It is within my personal knowledge that some zamindar candidates spent between Rs. 20,000 to Rs. 50,000 in the course of their election campaign. If expenditure on elections goes on at this rate, the zamindars would, I am afraid, be ruined. It does not, however, seem possible for Government to keep a check on the illegal and exorbitant expenses either by scrutiny of the returns of election expenses, or by means of an election petition, which the Government is authorised to lodge on the ground that the election has not been a free election by reason of a large number of cases in which undue influence or bribery has been exercised or committed. The powers given to Government under this rule can only be exercised in very clear and exceptional cases where unimpeachable evidence is available and it is necessary for Government to interfere on grounds of policy. Under the Electoral Rules it is within the powers of Government to fix maximum scales of election expenses, but this would not be feasible nor have the desired effect, for while it would be easy to present a plausible return, it would be difficult for Government to keep a check on expenses."

757. This endeavour to describe some of the problems to be faced in connection with elections in India may provoke the criticism that in that country an election cannot be "free and undefiled", or may even cast doubts on India's fitness for the proposed enlarged electorate.

To this we would reply that India has enjoyed a system of Parliamentary election for only fifteen years, and that the early stages of election of representatives in this country compare favourably with those in the country whence they derive their origin. Wholesale bribery or debauchery of the electorate to the extent to which, before the passing of the Ballot Act in 1872, such practices prevailed in England, is unknown in India. There has been no resort to violence or riots, despite communal tension.

persons living in 7 or 8 villages round it. As a result of this, candidates freely supplied conveyances to voters in spite of express rules prohibiting such practice. No voter is prepared to sacrifice his meagre earnings on a drive in a motor bus, for the mere pleasure of recording his vote. Besides he is obliged to forego a day's wages for going to the distant polling booth. In a country where the average income of a person is said to be two annas a day, one can easily understand the extent of sacrifice involved in foregoing a day's wages, not to speak of the expense involved in going to the booth. The voters have to starve the whole day, unless an accommodating candidate supplies them with noon day meal. All these are now found by candidates who bring them to the booth, and it is notorious that the return of election expenses does not show the big items spent for these purposes. Several thousands of rupees have been spent by candidates on such expenses, although they never come to light. The Simon Commission had, within the short space of a few months' stay in India, discovered appalling corruption in elections, and had recommended to the authorities to devise ways and means of preventing it. When the rich men resort to bribing the voters, the poor men will have at least to provide conveyances and refreshments to voters."

A candidate informed us that in his constituency the voter expected him to provide conveyance not only for himself but also for his friends.

A distinction may, perhaps, be drawn between the hiring of a lorry for the conveyance of electors and the purchase of tickets by rail. In the latter case facilities are available to the voter: in the former, generally speaking, they are not. The total disregard of the rule forbidding the hiring of public conveyances has a further evil consequence, since, as expenditure on this account is illegal, no candidate, though all incur it, includes any payments in respect of it in his return of election expenses.

#### *Our recommendation.*

754. We recommend, therefore, that the rule regarding hiring should be abrogated, and that candidates and agents should be expected to include all expenditure on this account in their return of election expenses. At present, these returns are of very little value, on either the credit or debit side.

#### *Treating.*

755. Perhaps to a less extent the same remarks apply to treating. It is universal, but usually on a moderate and reasonable scale. In most elections outside the towns the various candidates erect, near the polling station, a large tent, where the tired elector can get a meal before he undertakes his five mile return journey. As one witness put it to us: "An election in the *mufassal* is like a fair, with everyone feasting and enjoying

## ACKNOWLEDGMENTS.

759. We have above paid our tribute to the valuable assistance we received from all the local Governments and their Reforms Officers. We must also express our acknowledgment to Mr. H. F. Trousdell, the Manager of the Government of India Press, Simla, who, through causes over which we had no control, has had to produce this Report under conditions of extreme pressure.

To our Secretary, Mr. J. G. Laithwaite, C.I.E., we are extremely grateful. But for his remarkable industry and continuous application, this report could not have been produced in the allotted time. His experience and advice have been of the greatest assistance to us. We wish to place on record our sincere appreciation of his industry and efficiency.

The responsibility not only for the arrangements for our tour, but also for the financial arrangements connected with the work of our Committee has fallen on our Assistant Secretary, Mr. E. C. Gaynor, who has discharged it with conspicuous success. We are also indebted to him for the smooth working of our transport arrangements and for the tactful and expeditious way in which he has dealt with difficulties which have arisen. He has also been of much assistance in marshalling the subject matter of our enquiry for the purpose of our Report.

We have nothing but praise for the loyalty and devotion to duty of all our staff, who, in this long and rapid tour of three months, have always had to work under very difficult conditions. We are particularly indebted to our Superintendent, Rai Sahib D. N. Maitra, whose remarkable powers of organization, experience and energy have been of the utmost value.

We have the honour to be,

My Lord Marquess,

Your Lordship's obedient servants,

LAURIE HAMMOND, *Chairman.*

M. VENKATASUBBA RAO.

DIN MUHAMMAD.

J. G. LAITHWAITE, *Secretary.*

NEW DELHI;

*The 23rd January, 1936.*

W. D. Christie in his book "The Ballot" (1872), quotes the following as shewing the conditions previous to the passing of the Ballot Act in 1872 :—

"These corrupt practices I hold to be one of the most dangerous symptoms of the times, tending more than anything else to sap the foundations of social order, and to undermine the constitution." (Lord Palmerston: May 9th, 1842.)

"There are no defects in the distribution of the franchise, however unjust, which are so destructive of public virtue or of the credit of our representative system, as these acts of bribery, and corruption." (Lord John Russell, February 11th, 1853.)

"So far from diminishing, the evil is on the increase, and has perhaps been practised more generally at the last than at any other previous election." (The Earl of Derby, May 29th, 1866.)

758. It would be fanciful to imagine that India, in the development of her electoral system, can escape entirely the evils which have accompanied such development elsewhere. It is not unnatural that she should produce some indigenous malpractices. But it may be stated, without fear of contradiction, that despite all the special difficulties to be met in India, geographical, physical and intellectual, the historian of the future will not record on India's early efforts, the verdict that we find in "The History of Parliamentary Elections\*" in England :—

"With the modifying influence of progress, and a more advanced civilisation, the time may come when the narrative of the robustious scenes of canvassing, polling, chairing, and election-feasting, with their attendant incidents of all-prevailing bribery, turbulence, and intrigue, may be regarded with incredulity as fictions of an impossible age."

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\* By Joseph Grego (Chatto and Windus, Piccadilly), 1892.

## APPENDIX I.

## Terms of reference to Indian Delimitation Committee.

LETTER FROM THE MARQUESS OF ZETLAND, SECRETARY OF STATE FOR INDIA, TO SIR LAURIE HAMMOND, CHAIRMAN, INDIAN DELIMITATION COMMITTEE, DATED 31ST JULY 1935.

I have to communicate to you the wishes of His Majesty's Government as to the investigations to be undertaken by the Indian Delimitation Committee.

*Scope of Committee's Enquiries.*

2. To your Committee His Majesty's Government will look for a complete scheme of delimitation for the territorial constituencies by which members are to be elected to the Federal and Provincial Legislatures, together with proposals for the nature and location of the constituencies to be established for the return of representatives of certain special interests to which reference is made below. His Majesty's Government would be glad if you would also include in your recommendations proposals for the method of filling the seats in the Federal Legislature allotted to Chief Commissioners' Provinces where specific provision for this is not made in the Bill or its Schedules.

3. As you are aware, the size of the Legislatures, the allocation of seats to the various communities and special interests for which representation is to be provided, the qualifications of voters in the territorial constituencies for the Provincial Legislative Assemblies, and the method of election to seats both in the Federal and Provincial Legislatures are set out in the First, Fifth and Sixth Schedules to the Government of India Bill, 1935. The list of castes and tribes to be scheduled as scheduled castes in the various Provinces and the qualifications of voters for the Council of State and for the Provincial Upper Houses have yet to be determined. While, unfortunately, the detailed investigations required in connection with the franchise will involve some further delay, His Majesty's Government hope that before your investigations commence they will be in a position to inform you of the recommendations which they propose to publish for the information of Parliament on all these matters, and they desire that your investigations should provisionally proceed on the basis of those recommendations.

*Electoral Arrangements in connection with Special Interests, Women, and the Scheduled Castes.*

4. A number of points still remain unsettled in connection with the electorate for the constituencies (whether in the Federal or in the Provincial Legislatures) to represent special interests such as commerce, industry, mining, planting, labour, landholders, universities, and backward areas and tribes. Certain difficult questions of detail arise also in connection with the constituencies allotted to women, to labour (whether trade-union or special labour constituencies) and to the scheduled castes. It is the wish of His Majesty's Government that your Committee should examine these matters and should include recommendations as to the action to be taken in regard to them in your Report.

They would be glad also if, in the case of the seats to represent special interests, your Committee would, if they find it necessary, include in their Report proposals dealing with the qualifications of voters, the conduct of elections (including election enquiries), and the qualifications necessary for candidature, where no specific provision covering these matters has been made in the Bill or its Schedules.



occur in making available to His Majesty's Government the recommendations of your Committee. They fully recognise the arduous character of the task which your Committee will be required to perform and the short space of time into which its enquiries must be compressed. But, as you are aware, much preparatory work of the greatest value has already been performed by the Provincial Governments and by the Committees which they have associated with their provisional investigations. The results of these provisional investigations will be available to you, and His Majesty's Government feel no doubt that you will find them not only of much value in themselves, but of such a character as materially to lighten your labours.

5. As regards the delimitation of the territorial constituencies, His Majesty's Government, while they are content to leave your Committee a wide discretion in matters of detail, are anxious that you should make it your general aim to ensure, so far as the conditions permit, the maximum degree of contact between the candidates and electors, and the convenience of both, due regard being paid to administrative needs ; the ideal to be aimed at being constituencies manageable in area, in number of voters, and in physical characteristics. They wish to draw your special attention to the importance of securing a reasonable balance between the representation of town and country in the new Provincial Legislatures, and you will no doubt have regard to the observations of the Indian Franchise Committee on this point in paragraph 95 of their Report.

6. A problem which will call for consideration in connection with the delimitation of certain of the territorial constituencies is the question whether more than one seat should be assigned to a single constituency. Broadly speaking, His Majesty's Government are disposed to think that, save where the establishment of multi-member constituencies is necessitated by the reservation of seats (as in the case of the scheduled castes and of the Mahrattas in Bombay) or for other special reasons, there would be advantage in each constituency returning a single member. The point is, however, one which your Committee will no doubt consider in the light of local conditions and of the views expressed by the various Provinces concerned. His Majesty's Government would, however, be glad if, in any case in which you think it desirable to recommend the establishment of a multi-member constituency, you will consider the use of the single non-transferable vote, a question which, as you are aware, has attracted considerable attention in the discussions in Parliament on the Government of India Bill.

7. His Majesty's Government recognise that (as in the case of the franchise for the Provincial Legislative Assemblies which is embodied in the Sixth Schedule to the Bill) it will be unwise to insist on an artificial uniformity in matters such as the size or population of the territorial constituencies in the different Provinces, the method of dealing with the problems presented by such special interests as labour, etc., and that full weight must be given to the differences in provincial conditions. They feel, however, that there must be many points on which a considerable degree of uniformity as between Provinces will be practicable, and that, in particular, it should be possible for your Committee to perform a useful work of co-ordination in connection with the constituencies allotted to special interests.

#### *Procedure.*

8. The procedure to be adopted for the conduct of your enquiry is, of course, essentially a matter for your Committee to decide. But His Majesty's Government attach great importance to your Committee's ensuring that it is fully informed of the views and wishes of the various interests for which representation is to be provided, particularly in the case of those interests, such as the Scheduled Castes, labour, women, and the backward areas and tribes, for which specific provision has hitherto either been absent or has been made by means of nomination. While the pressure of time may make it necessary to curtail the amount of oral evidence to be taken they trust that it will be possible, with the assistance of the representative committees which have been established in most, if not all, Provinces and by arranging for the early submission of written statements by the various interests concerned, to ensure that the problems presented by the electoral representation of these important sections of the community are fully before your Committee in reaching its conclusions.

9. His Majesty's Government desire me in conclusion to impress upon you the great importance of completing your investigations at as early a date as possible. As you are aware, it will be necessary for His Majesty's Government, in the light of the recommendations of your Committee, to submit detailed proposals for consideration by both Houses of Parliament, and until Parliament has taken a decision on those recommendations it will not be possible to proceed with the first requisite for the introduction of the new Provincial Constitution, namely, the preparation of the electoral rolls. It is thus of great importance that no avoidable delay should

15. Khan Bahadur Syed Zahid Ali Sabzposh, M.L.C.
16. Professor E. Ahmad Shah, M.A., B. Litt., M.L.C.
17. Lady Kailash Srivastava, M.L.C.
18. Rai Govind Chandra, M.L.C.
19. Mr. E. M. Souter, C.I.E., M.L.C.
20. Captain Nawab Sir Mohammad Ahmad Sai'd Khan, K.C.S.I., K.C.I.E., M.B.E., LL.D., of Chhatari.
21. Raja Indrajit Pratap Bahadur Sahi, of Tamkohi.
22. Rai Bahadur Sahu Har Prasad (of Pilibhit).
23. The Hon'ble Rai Bahadur Lala Jagdish Prasad (of Muzaffarnagar).
24. Rai Sahib Munshi Hari Prasad Tamta (of Almora).
25. Rai Bahadur Kunwar Surendra Pratap Sahib, M.L.C.
26. Khan Bahadur Maulvi Saiyid Habib-ullah, M.L.C., Bar-at-Law.
27. Honorary Captain Raja Durga Narain Singh, of Tirwa.
28. Rai Rajeshwar Bali, B.A., O.B.E., M.L.C.
29. Mr. Zahur Ahmad, Bar.-at-Law, M.L.C.
30. Kunwar Jagbhan Singh, B.A., LL.B., M.L.C.
31. Mr. H. H. J. Mills.
32. Master Abdullah Mistri.
33. Babu Ram Sahai.

*The Punjab.*

1. Rao Bahadur Chaudhri Chhotu Ram, B.A., LL.B., M.L.C.
2. Sardar Buta Singh, M.A., LL.B., M.L.C.
3. Khan Bahadur Nawab Mian Muhammad Hayat Qureshi, C.I.E., M.L.C.
4. Rai Bahadur Lala Mukand Lal Puri, Bar.-at-Law., M.L.C.
5. Mrs. Chatterjee.
6. Professor W. Roberts, C.I.E., M.L.C.
7. Khan Sahib Chaudhari Riasat Ali, B.A., LL.B., M.L.C.
8. Khwaja Mohd. Eusooff, M.L.C.
9. Mr. M. A. Ghani, Bar.-at-Law., M.L.C.
10. Babu Hans Raj.

*Bihar.*

1. Babu Chandreshvar Prasad Narayan Singh, C.I.E., M.L.C.
2. Mr. E. C. Danby.
3. Rai Bahadur Sarat Chandra Roy, M.L.C.
4. Pandit Shiva Shankar Jha.
5. Babu Gur Sahay Lal.
6. Maulvi Saiyid Mubarak Ali Saheb.
7. Mr. A. P. Middleton, I.C.S.
8. Mr. Sagram Hembrom, M.B.E., M.L.C.
9. Babu Ram Narayan, M.L.C.
10. Rai Bahadur Dwarka Nath, M.L.C.
11. Mrs. S. Lal.
12. Rai Bahadur Shyamnandan Sahay, M.L.C.
13. Khan Bahadur Shah Muhammad Yahya, M.L.C.
14. Rai Bahadur Satish Chandra Sinha, M.L.C.
15. Babu Harmadho Prashad Sinha, M.L.C.
16. Maulvi Muhammad Shafi, M.L.C.
17. Babu Rameshwar Prasad Singh, M.B.E.
18. Rai Bahadur Kamaleshwari Sahay.
19. Maulvi Saiyid Hasan.

*The Central Provinces.*

1. The Hon'ble Mr. E. Gordon, C.S.I., C.I.E., I.C.S. (Chairman)
2. The Hon'ble Rai Babadur K. S. Nayudu, M.L.C.
3. Rai Bahadur Dadu Dwarkanath Singh, M.L.C.
4. Rao Saheb R. W. Fulay, M.L.C.
5. Rai Bahadur G. P. Jaiswal, M.L.C.
6. Mr. G. A. Gavai, M.L.C.
7. Mrs. Ramabai Tambe, M.L.C.
8. Mr. K. P. Pande, M.L.C.
9. Mr. Jhunilal Verma, M.L.C.

## APPENDIX II.

## Personnel of the Provincial Delimitation Committees.

*Madras.*

1. M. R. Ry. S. Muthiah Mudaliyar Avargal, B.A., B.L. (Chairman).
2. Rao Bahadur Sir A. P. Patro, B.A., B.L., M.L.C.
3. Mr. Daniel Thomas, M.L.C.
4. M. R. Ry. Rao Sahib N. Sivaraj Avargal, M.L.C.
5. Khan Bahadur Yahya Ali Sahib Bahadur, M.L.C.
6. Sir M. Ramachandra Rao.
7. M. R. Ry. K. P. Raman Menon Avargal, M.L.C.
8. Dr. P. Subbarayan, M.L.C.
9. Mrs. M. Venkatasubba Rao.
10. Mr. T. G. Rutherford, C.I.E., I.C.S.
11. M. R. Ry. N. Ranganathan Avargal.
12. M. R. Ry. Diwan Bahadur A. Ramaswami Mudaliyar Avargal.
13. M. R. Ry. A. Ranganatha Mudaliyar Avargal, M.L.C.
14. G. T. Boag, C.I.E., I.C.S. (Secretary).

*Bombay.*

1. The Hon'ble Mr. Justice N. J. Wadia, I.C.S., Bar.-at-Law (Chairman).
2. Mr. C. W. A. Turner, C.S.I., C.I.E., I.C.S.
3. Rao Bahadur R. R. Kale, M.L.C.
4. Sardar Rao Bahadur Bhimbhai R. Naik, M.L.C.
5. Rao Bahadur N. E. Navle, M.L.C.
6. Mr. Hoosenally M. Rahimtoola, M.L.C.
7. Khan Bahadur Abdul Latif Haji Hajrat Khan, M.L.C.
8. Rao Bahadur S. N. Angadi, M.L.C.
9. Dr. P. G. Solanki, M.L.C.
10. Rao Saheb V. H. Vachhrajani, M.A., LL.B. (Secretary).

*Bengal.*

1. The Hon'ble Khwaja Sir Nizamuddin, K.C.I.E. (Chairman).
2. The Hon'ble Sir Bijoy Prosad Singh Roy, Kt., M.L.C.
3. Mr. B. C. Chatterjee, M.L.C.
4. Mr. S. M. Bose, M.L.C.
5. Mr. Narendra Kumar Basu, M.L.C.
6. Khan Bahadur Muhammad Abdul Mumin, C.I.E., M.L.C.
7. Maulvi Tamizuddin Khan, M.L.C.
8. Mr. H. S. Suhrawardy, M.L.C.
9. Mr. C. G. Cooper, M.L.C.
10. Mr. E. T. McCluskie, M.L.C.
11. Mr. Mukunda Bihari Malik, M.L.C.
12. Mrs. P. K. Bose, M.B.E.
13. Mr. K. C. Roy Chaudhuri, M.L.C.
14. Mr. G. P. Hogg, C.I.E., I.C.S.
15. Mr. H. J. Twynam, C.I.E., I.C.S.
16. Mr. R. N. Gilchrist, C.I.E., I.E.S.

*The United Provinces.*

1. The Hon'ble Mr. J. M. Clay, C.S.I., C.I.E., O.B.E., I.C.S. (President).
2. The Hon'ble Kunwar Sir Maharaj Singh, Kt., C.I.E., M.A.
3. The Hon'ble Nawab Sir Muhammad Yusuf, Kt., Bar.-at-Law., M.L.C.
4. The Hon'ble Sir Jwala P. Srivastava, Kt., M.Sc., A.M.S.T., M.L.C.
5. Nawabzada Mohammad Liaqat Ali Khan, M.A., Bar.-at-Law, M.L.C.
6. Rai Bahadur B. Vikramajit Singh, B.A., LL.B., M.L.C.
7. Khan Bahadur Hafiz Hidayat Husain, B.A., C.I.E., Bar.-at-Law, M.L.C.
8. Raja Jagannath Bakhsh Singh, M.L.C.
9. Lala Shyam Lal, M.L.C.
10. Raja Syed Mohammad Mehdi of Pirpur, M.L.C.
11. Raja Bahadur Kushalpal Singh, M.A., LL.B., M.L.C.
12. Raja Bisheshwar Dayal Seth, B.Sc., F.C.S., M.L.C.
13. Khan Bahadur Maulvi Fasih-uddin, M.L.C.
14. Pandit Prem Ballabh Belwal, M.L.C.

*Sind.*

1. Mr. G. Davis, I.C.S. (Chairman).
2. Khan Bahadur Allah Bakhsh Khan Saheb Haji Muhammad Umar, O.B.E., M.L.C.
3. Seth Haji Abdullah Haroon, M.L.A.
4. Dewan Bahadur Hiranand Khemsing Advani.
5. Mr. G. G. Drewe, I.C.S. (Secretary).

10. Mr. V. D. Kolte, M.L.C.
11. Khan Bahadur Syed Hifazat Ali, M.L.C.
12. Mr. R. A. Kanitkar, M.L.C.
13. Dr. P. S. Deshmukh, M.L.C.
14. Mr. M. P. Kolhe, M.L.C.
15. Mr. Syed Mobinur Rahman, M.L.C.
16. Mr. C. B. Parakhi, M.L.C.
17. Mr. N. J. Roughton, C.I.E., I.C.S.
18. Mr. C. R. Hemecon, I.C.S.
19. Mr. C. D. Deshmukh, I.C.S.
20. Mr. S. H. Y. Oulsnam, I.C.S. (Secretary).

*Assam.*

1. Mr. E. S. Roffey, C.I.E.
2. Rai Sahib Pyari Mohan Das, M.L.C.
3. Khan Sahib Mahmud Ali, M.L.C..
4. Maulavi Munawarali, M.L.C.
5. Babu Gopendru Lal Das Chaudhuri, M.L.C.
6. Srijut Rohini Kumar Chaudhuri, M.L.C.
7. Rai Bahadur Brindaban Chandra Goswami, M.L.C.
8. Srijut Mahendra Nath Gohain, M.L.C.
9. Khan Bahadur Nuruddin Ahmed, M.L.C.
10. Rai Sahib Sonadhar Das Senapati.
11. Mrs. A. Z. Rahman.

*The North-West Frontier Province.*

1. The Hon'ble Lieutenant-Colonel Nawab Sir Muhammad Akbar Khan, Khan of Hoti.
2. The Hon'ble Khan Bahadur Nawab Sahibzada Sir Abdul Qaiyum, K.C.I.E., M.L.C.
3. The Hon'ble Khan Bahadur Abdul Ghafur Khan, Khan of Zaida, M.L.C.
4. Lieutenant-Colonel Sir Hissamuddin Khan, C.I.E.
5. Mr. Muhammad Yunis Khan, M.A., LL.B.
6. Rai Sahib Mehr Chand Khanna, B.A., M.L.C.
7. Sardar Raja Singh, M.A., LL.B.
8. Mr. Malikur-Rahman, Kayani, M.L.C.
9. Khan Sadullah Khan, B.A., LL.B.
10. Mr. Muhammad Jan Khan, Bar-at-Law.
11. Nawab Zafar Khan.
12. Khan Bahadur Abdur Rahim Khan, M.L.C.
13. Nawabzada Muhammad Nasrullah Khan, M.L.C.
14. Mr. Muhammad Aurangzeb Khan.
15. Major Nawab Ahmad Nawaz Khan, M.L.A.
16. Mr. Ghulam Rabbani Khan, B.A., M.L.C.
17. Khan Bahadur Muhammad Zaman Khan, M.L.C.

*Orissa.*

1. E. S. Hoernle, Esq., I.C.S. (Chairman).
2. A. F. W. Dixon, Esq., I.C.S.
3. Raja Sri Sri Sri Krishna Chandra Gajapathi Narayan Deo, of Parlakimodi, M.L.O.
4. Raja Sir Rajendra Narayan Bhanga Deo Bahadur, Kt., O.B.E., of Kanika.
5. Rai Bahadur Lakshmidhar Mahanti, M.L.C.
6. Rev. Brajananda Das, M.L.C.
7. Rai Bahadur Loknath Misra, M.L.C.
8. Babu Brajamohan Panda, M.L.C.
9. Mrs. S. Das.
10. Rao Bahadur T. Pattabhiramayya Pantalu Garu.
11. Babu Radharanjan Das, M.L.C.
12. Sriman Niranjan Patnaik.
13. Babu Jagannath Das, M.A., M.L.C.

Witnesses from the United Provinces.

NAINI TAL, October 10, 1935.

33. Khan Bahadur Maulvi Fasih-Uddin Sahib, M.L.C.	Muhammadans.
34. Khan Bahadur Shaikh Abdul Qayum Sahib	
35. Dr. S. M. Elahi .. ..	
36. Mr. M. I. Hassan .. ..	
37. Mr. Sarwat Yar Khan Sahib .. ..	
38. Pandit Prem Ballabh Belwal Sahib, M.L.C.	
39. Rai Bahadur Pandit Badri Dutt Joshi Sahib.	
40. Thakur Jang Bahadur Singh Bisht Sahib, B.A., LL.B., M.L.C., Almora.	
41. Thakur Indra Singh, Nayal Sahib, Advocate.	Kumaon.
42. Mr. Mukandi Lal, Lansdowne, Garhwal ..	
43. Pandit Deva Nand Gairola Sahib, B.A., LL.B., Garhwal.	
44. Thakur Jasoud Singh Bisht Sahib, B.A., LL.B., Naini Tal.	
45. Rai Bahadur Lala Jai Lal Sahib, Naini Tal ..	
46. Khan Bahadur Sheikh Abdul Qayum Sahib, Naini Tal.	Scheduled castes.
47. Lala Mohan Lal Sahib, M.A., LL.B.	
48. Rai Sahib Munshi Hari Prasad Tamta Sahib	
49. Babu Ram Sahai Shih .. ..	
50. Babu Baldeo Prasad Jaiswal Sahib ..	

October 11, 1935.

51. Mr. S. M. Bashir, B.Com. (London), F.R.E.S.	Merchants' Chamber, United Provinces.
52. Sardar Inder Singh .. ..	
53. Lala Padampat Singhania Sahib, President of the Federation of Indian Chambers of Com- merce and Industry.	
54. Mr. Gur Prasad Kapoor .. ..	
55. Lala Shri Ram .. ..	
56. Mr. Jung Bahadur Mehrotra .. ..	
57. Mr. Ram Narain Garg .. ..	
58. Rai Sahib Babu Rup Chand Jain Sahib ..	
59. Mr. Ram Ratan Gupta .. ..	
60. Mr. H. G. Misra .. ..	

61. Mr. K. M. Purkaystha, M.A. .. ..	United Provinces Chamber of Commerce.
62. Mr. Baijnath Mehrotra .. ..	
63. Lala Kishori Lal Sahib .. ..	
64. Mr. Radhey Shiam Agarwala .. ..	
65. Rai Bahadur Babu Vikramajit Singh Sahib, B.A., LL.B., M.B.E., M.L.C.	
66. Rai Bahadur Lala Rameshwar Prasad Bagla.	
67. Rai Bahadur Bhagwan Dass Sahib .. ..	
68. Mr. M. L. Gupta, M.A., B. Com. .. ..	
69. Lala Mohan Lal, Sah Sahib, M.A., LL.B. ..	
70. Mr. Girdhari Lal Bazaj .. ..	
71. Mr. Amarnath .. ..	
72. Mr. Krishna Lal Gupta .. ..	
73. Mr. Ram Kumar Bhargava .. ..	
74. Mr. I. D. Varshnaie .. ..	

October 12, 1935.

75. Begum Liaquat Ali Khan Sahiba .. ..	Women.
76. Lala Shyam Lal Sahib, M.L.C.	
77. Nawabzada Mohammad Liaquat Ali Khan Sahib, M.A. (Oxon.), M.L.C.	
78. Captain Raja Durga Narain Singh Sahib of Tirwa.	
	Agra Province Zamindars' Association.

## APPENDIX III.

List of witnesses examined orally in public session by the Indian Delimitation Committee.

## Punjab witnesses.

SIMLA, October 3, 1935:

1. Mr. M. A. Ghani, M.L.C. .. .. ..	Punjab Labour Board.
2. Mr. M. A. Khan .. .. ..	Central Labour Federation, Punjab.
3. Rao Bahadur Chaudhri Chhotu Ram, B.A., LL.B., M.L.C.	
4. Kanwar Mamraj Singh Chohan, B.A., LL.B., M.L.C.	
5. Pandit Nanak Chand, M.A., M.L.C.	
6. Lala Brij Lall, B.A., LL.B. .. .. ..	Hindu Rights Protection Board.

October 4, 1935.

7. Mr. K. L. Rallia Ram, President, Indian Christian Conference.	Punjab Indian Christian Association.
8. Babu Hans Raj .. .. ..	Scheduled castes.
9. Mr. Lachman Das .. .. ..	
10. Mr. Modhan Singh, Secretary, Balmik Mandir, Simla.	
11. Mr. Bakshi Ram, President, Untouchable Association, Jullundur City.	
12. Mr. Chamba Ram, Vice-President, Punjab Balmik Ad-Dharam Mandal.	
13. Babu Mangal Ram .. .. ..	
14. Mr. Hazara Ram .. .. ..	Punjab Ad-Dharam (Depressed Classes) Federation, Jullundur City.
15. Seth Kishen Das .. .. ..	Punjab Provincial Depressed Classes Association, Lahore.
16. Mr. Sukh Lal .. .. ..	
17. Mr. Swatam Das .. .. ..	
18. Mr. Ishar Das, B.A., LL.B. .. .. ..	
19. Rai Bahadur P. Mukerjee, M.L.C. .. .. ..	Punjab Chamber of Commerce and Northern India Chamber of Commerce.
20. Rai Bahadur Lala Binda Saran .. .. ..	
21. Mr. J. C. F. Davidson .. .. ..	
22. Mr. U. N. Sen, C.B.E. .. .. ..	
23. Mr. H. J. Martin .. .. ..	Indian Chamber of Commerce.
24. Mr. T. K. Santanam .. .. ..	
25. Lt. Sardar P. S. Sodhbans .. .. ..	
26. Rai Bahadur Lala Mukand Lal Puri, M.A., M.L.C. .. .. ..	
27. Shrimati Lekhwati Jain, M.L.C. .. .. ..	Women.
28. Dr. Khalifa Shuja-i-Din, B.A., LL.D. .. .. ..	Anjuman-i-Islamia, Punjab.

October 5, 1935.

29. Sardar Sampuran Singh, M.L.C. .. .. ..	Sikh community.
30. Rai Bahadur Sardar Basakha Singh .. .. ..	
31. Mr. A. G. Clow, C.S.I., C.I.E., I.C.S. .. .. ..	Secretary, Government of India, Department of Industries and Labour.
32. Mr. R. J. S. Dodd I.C.S. .. .. ..	Reforms Commissioner, Punjab.

LIST OF WITNESSES EXAMINED ORALLY IN PUBLIC SESSION BY THE 287  
INDIAN DELIMITATION COMMITTEE.

Assam witnesses—*contd.*

114. Khan Bahadur Maulvi Keramat Ali, M.L.C., Leader of the Assam Moslem Association Deputation.

115. Khan Sahib Maulvi Sayidur Rahman, M.A., B.L., General Secretary, Assam Moslem Association, Dibrugarh.

116. Maulvi Wajid Ali, B.L., Secretary, Anjuman-Sabile-Islamia, Gauhati.

117. Maulvi Ruknuddin Ahmed, Secretary, District Committee, Assam Muslim Association.

118. Maulvi Tayebulla, B.Sc., B.L., General Secretary, Assam Valley Moslem League, Gauhati.

119. Mr. F. A. Ahmed, Vice-President, Assam Muslim League.

120. Maulvi A. Nurul Haque, Joint Secretary, Anjuman-Sabile-Islamia, Gauhati.

121. Maulvi Sayid Abdur Rouf, B.L., Barpetta.

122. Maulvi Derajuddin Ahmed, Jorhat

123. Srijut G. N. Bardaloi, M.A., B.L., Chairman, Municipal Board, Gauhati

124. Srijut Jogendranath Barua, B.L., General Secretary, Assam Association, Gauhati

125. Mr. F. A. Ahmed .. ..

126. Srijut Rajani Kanto Goswami, B.L., Gauhati

127. Rai Sahib Sonadhar Das Senapati, President, Depressed Classes Association, Assam.

128. Srijut Mahendra Lal Das, B.L., M.L.C., Nowgong.

129. Babu Bipin Bihari Das, Secretary, Depressed Classes Association, Surma Valley, Habiganj

130. Babu Akshoy Kumar Das, B.L. Depressed Classes Association, Assam, Sunamganj.

131. Srijut Ramesh Chandra Das, M.A., B.L.

132. Srijut Ramnath Das, B.L., Nazira ..

October 29, 1935.

133. Rai Bahadur Satish Chandra Datta, President, Sylhet Hindu Sabha.

134. Babu Girindra Kumar Dev, Sylhet Hindu Sabha.

135. Babu B. Bhattacharya, Secretary, Sylhet Hindu Sabha.

136. Babu Charu Chandra Datta, Shillong

137. Babu Gopendra Lal Das Chaudhury, B.L., M.L.C., Habiganj.

138. Maulvi Abdul Matin Chaudhury, M.L.A. ..

139. Mr. Abdus Sattar, Shillong .. ..

140. Mr. Abdul Hannan Chaudhury .. ..

141. Rai Bahadur Amar Nath Roy, Leader of the Sunamganj Peoples' Association.

142. Babu Nagendra Kumar Chaudhury, Secretary, Sunamganj Peoples' Association.

143. Babu Jotindra Nath Bhadra, Sunamganj Peoples' Association.

144. Babu Jitindra Nath Roy, B.L., Sunamganj Bar Association Deputation.

145. Maulvi Abdul Hannan Chaudhury ..

146. Mrs. B. Taylor, Diengdoh, Shillong ..

Assam Valley and Upper Assam Muslims.

Assam Valley.

Scheduled castes

Depressed Classes Community of Assam.

Surma Valley.

Sunamganj.

Women.

Witnesses from the United Provinces—*concl.*

79. Rai Bahadur Rai Indra Narain Sahib .. }  
 80. Munshi Gajadhar Prasad Sahib, M.A., LL.B., M.L.C. } Agra Province Zamindars' Association.  
 81. Rao Maharaj Singh Sahib of Kasganj .. }  
 82. Raja Muhammad Amir Ahmad Khan Sahib, Khan Bahadur, of Mahmudabad. }  
 83. Raja Saiyid Muhammad Mohdi Sahib, M.L.C., of Pimpur. }  
 84. Rai Bahadur Raja Bisheshwar Dayal Seth Sahib, B.Sc., F.C.S., M.L.C., of Moizuddinpur. } British Indian Association.  
 85. Rai Rajeshwar Bali Sahib, B.A., O.B.E., M.L.C., of Daryabad. } Oudh.  
 86. Sheikh Muhammad Habib-Ullah Sahib, O.B.E., M.L.C., of Saidanpur. }  
 87. Rai Krishnapal Singh Sahib of Birapur .. }  
 88. Sheikh Mubashir Husain Qidwai Sahib .. }  
 89. Khan Bahadur Munshi Siddique Ahmad .. }  
 90. Kunwarni Lady Maharaj Singh .. .. Women.

## Witnesses from Bihar and Orissa.

RANCHI, October 19, 1935.

91. Rev. B. Das, M.L.C. .. .. .. }  
 92. Babu Ram, Narayan, B.A., M.L.C. .. .. } Scheduled castes.  
 93. Babu Jagjiwan Ram, President, Bihar Provincial Depressed Classes League, Patna. }  
 94. Mr. V. R. Kalappa, Vice-President, Metal Workers' Union, Jamshedpur. }  
 95. Mr. W. V. R. Naidu, General Secretary, Metal Workers' Union, Jamshedpur. }  
 96. Mr. N. Rama Rao, Assistant Secretary and Treasurer, Metal Workers' Union, Jamshedpur. } Labour.  
 97. Mr. K. N. Bhattacharyya, M.A., B.L., President, Indian Miners' Association, Jharia. }  
 98. Mr. P. C. Bose, Secretary, Indian Miners' Association, Jharia. }  
 99. Babu Chandreshwar Prashad Narayan Singh, C.I.E., M.L.C. }  
 100. Rai Bahadur Shyamnandan Sahay, M.L.C. }  
 101. Babu Rameshwar Prashad Singh, M.L.C. }  
 102. Maulvi Saiyid Hassan. }  
 103. Mr. S. K. Roy, M.A. .. .. .. } Bihar and Orissa Christian Council.  
 104. Mr. Dhan Masih Panna, B.A. .. .. .. }  
 105. Mr. Boniface Lakra, M.A., B.L. .. .. .. } Chota Nagpur Catholic Sabha.  
 106. Mr. Ignas Bek .. .. .. .. }  
 107. Mrs. S. Lall .. .. .. .. } Women.  
 108. Mrs. S. Das, B.A. .. .. .. .. }  
 109. Mrs. H. D. Chatterji .. .. .. .. }  
 110. Maulvi Abdul Hamid, B.A. .. .. .. .. } Muslim Chamber of Commerce.  
 111. Maulvi Shah Maswood Ahmed .. .. .. .. }  
 112. Mr. H. B. Chandra, B. Com. (Bom.) .. .. .. .. } Bihar and Orissa Chamber of Commerce.

## Assam witnesses.

SHILLONG, October 28, 1935.

113. Sir Syed Muhammad Saadulla, M.A., B.L., Assam Valley and Upper Leader of the Assam Valley Muslim League Assam Muslims. Deputation.

Bengal witnesses—*contd.*

191. Mr. H. A. Antrobus, Chairman, Indian Tea Association, Calcutta.	Tea Industry (Bengal Tea Gardens).
192. Mr. J. S. Graham, Chairman, Darjeeling and Dooars Sub-Committee, Indian Tea Association.	
193. Mr. J. Edmond, Chairman, Dooars Planters Association.	
194. Rai Bahadur Sir Badridas Goenka, Kt., C.I.E.	
195. Mr. Baijnath Bajoria, M.L.A. .. ..	Marwari Association.
196. Mr. A. M. Poddar, M.L.C. .. ..	
197. Mr. A. K. Ghose .. ..	Bengal Mahajan Sabha.
198. Mr. R. N. Gilchrist, C.I.E., I.E.S. .. ..	
	Reforms Commissioner and Joint Secretary ( <i>ex-officio</i> ) to the Government of Bengal; Formerly Labour Commissioner, Government of Bengal.

Madras witnesses.

MADRAS, November 26, 1935.

199. Diwan Bahadur A. Appadurai Pillai, M.A., I.S.O., M.L.C.	Indian Christians.
200. Mr. T. Arumainatham, B.A., B.L. ..	Indian Christians.
201. Rao Bahadur K. V. Krishnaswami Ayyar	University.
202. Diwan Bahadur Govindos Chathurbhoojadooss.	Commerce.
203. Rao Sahib L. C. Guruswamy, President, Arundhatya Maha Sabha.	Scheduled castes.
204. Mr. C. Abdul Hakim Sahib .. ..	Southern India Chamber of Commerce.
205. Rao Sahib T. S. Kachapakesa Mudaliar, B.A. ..	
206. Mr. P. Raghavan Nair .. ..	
207. The Hon'ble Raja Sir Annamalai Chettiyar of Chettinad.	
208. Rao Bahadur M. C. Rajah, M.L.A. ..	Scheduled castes.
209. Rao Sahib N. Sivaraj, B.A., B.L., M.L.C. ..	Scheduled castes.
210. Mr. P. V. Rajagopal Pillai, M.L.C., F.A.V. ..	
211. Mr. J. Sivashanmugam, M.A. .. ..	

November 27, 1935.

212. Mr. B. Shiva Rao, M.A. .. ..	Madras Labour Union.
213. Mr. V. Chakrrai Chettiar, B.A., B.L. .. ..	Madras Labour Union.
214. Mr. G. Ramanjulu Naidu .. ..	
215. Mr. G. Chelvapthy Chettiar .. ..	Buckingham and Carnatic Mill Employees' Union.
216. Mr. S. Ahmad Sheriff .. ..	
217. Mr. C. V. Theagarajan .. ..	
218. Mr. V. Adikesavalu .. ..	
219. Mr. K. V. Bakthavatsalu .. ..	Actual workers, Buckingham and Carnatic Mills.
220. Mr. C. Basudev, M.L.C. .. ..	
221. Mr. K. R. Avadhani, B.A., B.L. .. ..	
222. Mr. M. S. Kotiswaram, B.A., B.T. .. ..	
223. Mr. T. V. K. Naidu .. ..	Labour Sub-Committee of the Provincial Delimitation Committee.
224. Rao Bahadur R. Srinivasan, M.L.C. .. ..	
225. Miss M. Janaki Ammal .. ..	
226. Mrs. M. K. Ramayya, B.A., L.T. .. ..	South Indian Railway Workers' Union, Trichinopoly.
227. Mrs. K. Alamelumangathayarammal, M.L.C. .. ..	
	Scheduled castes.
	Women.

Assam witnesses—*concl.*

147. Srijut Harendra Nath Barua, B.A., Gauhati  
 148. Srijut Someswar Choudhary, Member, Municipal Board, Gauhati. } Labour.  
 149. Mr. Bodon P. Marak, Baghmara .. ..  
 150. Mr. Benjamin Momin, Tura .. .. } Garo Hills.

October 30, 1935.

151. Maulvi Azizur Rahman, B.A., LL.B. .. .. } Muslim Fishermen community of Sylhet District.  
 152. Mr. Mohamed Wajidullah .. ..  
 153. Mr. Mohammed Khalilur Rahman .. ..  
 154. Mr. Mohamed Waris .. ..  
 155. Haji Mohammed Abdul Bari .. ..  
 156. Rev. J. J. M. Nichols-Roy, M.A., M.L.C. Khasi and Jaintia Hills.  
 157. Rai Bahadur Kali Charan Sen, Gauhati .. ..  
 158. Rai Bahadur Mohendra Nath Lahiri, Gauhati .. ..  
 159. Rai Sahib Ratneswar Das Gupta, Mangaldai Assam Domiciled Peoples  
 160. Rai Bahadur Jeban Ram Goonka, Shillong .. .. and Settlers Association.  
 161. Mr. Ram Sarup Singh, Gauhati .. ..  
 162. Mr. F. W. Hockenhull, M.L.A. .. .. Labour and Tea Industry.  
 163. Rai Sahib Tansukh Rai Sarawgi, Gauhati .. ..  
 164. Mr. Kedarmal Brahmin, Advocate, Gauhati .. ..  
 165. Mr. Jwala Prasad Agarwalla, Gauhati .. ..  
 166. Mr. Ram Kumar Himmatsinghka, Gauhati .. .. Marwari Association.  
 167. Mr. Ram Narayan Agarwalla, Gauhati .. ..  
 168. Mr. Balchand Sarawgi, Gauhati .. ..  
 169. Mr. Kamakhya Prasad Bajoriya, Shillong .. ..

## Bengal witnesses.

CALCUTTA, November 16, 1935.

170. Mr. D. P. Khaitan .. .. .. .. .. } Indian Chamber of  
 171. Mr. A. L. Ojha .. .. .. .. .. Commerce.  
 172. Mr. M. P. Gandhi .. .. .. .. ..  
 173. Sir Abdul Halim Ghuznavi, Kt., M.L.A. .. .. .. .. ..  
 174. Mirza Abol Hasan Ispahani, M.A., LL.B. Moslem Chamber of (Cantab.) .. .. .. .. ..

November 18, 1935.

175. Mr. N. R. Sarkar .. .. .. .. ..  
 176. Sir Hari Sankar Paul, Kt., M.L.C. .. .. .. .. .. } Bengal National Chamber of Commerce.  
 177. Mr. D. N. Sen .. .. .. .. ..  
 178. Mr. S. C. Sen .. .. .. .. .. } Indian Mining Federation.  
 179. Mr. M. N. Mookharji, M.L.C. .. .. .. .. ..  
 180. Babu Amulyadhone Ray, B.L., M.L.C. .. .. .. .. ..  
 181. Babu Aprakash Gayen .. .. .. .. .. } All Bengal Depressed Classes Federation.  
 182. Mrs. Shamsun Nahar Mahmud, Secretary, All Bengal Muslim Ladies Association .. .. .. .. ..  
 183. Mrs. N. C. Sen .. .. .. .. .. } All India Women's Conference.  
 184. Mrs. P. K. Bose, M.B.E. .. .. .. .. ..  
 185. Mr. K. C. Roy Chaudhury, M.L.C. .. .. .. .. ..  
 186. Mr. Aftab Ali .. .. .. .. ..  
 187. Mr. S. C. Sen, B.L. .. .. .. .. ..  
 188. Mr. Faiz Ahmad, B.L., Bengal Mariners' Union. Bengal Trade Unions Federation.  
 189. Mr. A. Zaman .. .. .. .. ..

November 19, 1935.

190. Mr. F. W. Hockenhull, Indian Tea Association. Tea Industry (Assam Tea Gardens).

### Bombay witnesses—*contd.*

261. Mrs. Faiz B. Tyabji .. .. ..	} Women
262. Mrs. Wilkie Brown .. .. ..	
263. Rao Bahadur R. S. Asavale, M.L.C., J.P.	} Labour
264. Mr. J. F. Gennings, C.B.E., Commissioner of Labour, Bombay.	
265. Mr. R. R. Bakhale, M.L.C., General Secre- tary, National Trades Union Federation.	

December 10, 1935.

December 11, 1935,

276. Mr. Mukandray Benjamin ..	..	..	Gujerat Indian Christians. Muhammadans of Gujerat and Central and Southern Divisions.
277. Miss Sarah Paul..	..	..	
278. Sir Rafi-ud-Din Ahmad, Kt.	..	..	
279. The Hon'ble Sir A. M. K. Dehlavi, Kt., Presi- dent, Bombay Legislative Council.			Surat Muhammadans
280. Sir Govindrao Balwant Pardhan, Kt.			
281. Mr. Meyer Nissim ..	..	..	Bombay Municipal Cor- poration.
282. Sir Jehangir Boman Behram, Kt. ..	..	..	
283. Mr. Jamnadas M. Mehta, M.A., LL.B.	..	..	
284. Dr. M. C. Jaule ..	..	..	

### Karachi witnesses.

December 16, 1935.

285. Khan Bahadur Syed Mahmud Shah, M.B.E., I.P.	..	..	Single <i>versus</i> plural-member constituencies.
286. Khan Bahadur M. A. Khuhro, M.L.C.	..	..	
287. Mr. Bhoj Sing G. Pahlajani	..	..	Urban <i>versus</i> Rural representation.
288. Mrs. Hatim B. Tyabji	..	..	Women.
289. Dr. K. Tarabai	..	..	All-India Women's Conference—Sind Constituency.
290. Miss Agnes Khemchand	..	..	
291. Miss Thakuribai Lakhani	..	..	

December 17, 1935.

292. Mr. G. H. Raschen .. .. .. Karachi Chamber of Commerce.  
 293. Mr. B. T. Thakur, Manager of the Central Bank of India, Ltd., Karachi. Commerce.  
 294. Sir Ghulam Hussain Hidayatulla, K.C.S.I., M.L.A. }  
 295. Mir Bundeali Khan Talpur, M.L.C., President, Sind Jagirdar's Association, Hyderabad. } Landholders.  
 296. Khan Bahadur Haji Ghulam Nabi Shah, M.B.E., M.L.C. Distribution of seats.

Madras witnesses—*contd.*

228. Mrs. Mona Hensman, B.A., Hons. (London),  
Vice-President, World's Executive of Y. W.  
C. A. Women.

November 28, 1935.

229. Sir William Wright, Kt., O.B.E. .. .. Madras Chamber of Commerce.

230. Mr. Basheer Ahmed Sayeed, M.A., B.L.,  
M.L.C. } Muhammadans.

231. Mr. B. Pocker Sahib Bahadur, B.A., B.L.,  
M.L.C. }

232. Mr. V. Venkateswara Sastrulu .. .. Andhra Chamber of Commerce.

## Nagpur witnesses.

NAGPUR, December 3, 1935.

233. Mr. S. B. Tambe .. ..

234. Mr. R. A. Kanitkar, M.A., LL.B., M.L.C. } Buldana (Berar).

235. Mr. S. K. Qazi, Izardar, Yeotmal .. ..

236. Rao Bahadur K. W. Brahma, B.A., LL.B.,  
C.I.E., M.B.E., Amraoti. } Deputation of the Berar All-Parties Committee.

237. Mr. M. S. Aney, B.A., LL.B., M.L.A., Yeotmal.

238. Dr. Sir Hari Singh Gour, Kt. M.A.,  
D.C.L. (Oxon.), LL.B. (Cantab.), D. Litt. }

239. Mr. S. C. Dube, Hoshangabad .. ..

240. The Honourable Mr. V. V. Kalikar, B.A.  
LL.B., Nagpur. }

241. Rai Bahadur Dadu Dawarka Nath Singh,  
M.L.C., Seoni. } Central Provinces' Deputation.

242. Mr. Samiullah Khan, B.A., LL.B. ..

243. Rai Sahib Lala Jai Narain, M.L.C. ..

244. Mr. D. T. Mangalmoorti, B.A., LL.B., M.L.C.

245. Mr. Rangshah Bapu, Zamindar of Palasgarh,  
Chanda District.

December 4, 1935.

246. Rao Sahib R. W. Fulay, M.A., LL.B., M.L.C. }

247. Mr. Moti Ram Bansi Mahar .. .. } Labour.

248. Mr. Nathu Upasia Fuljhale .. ..

249. Mr. Jeolang Moti Ram .. ..

250. Mr. G. A. Gavai, M.L.C., All-India De-pressed Classes Association, Amraoti. }

251. Mr. D. K. Bhagat, Depressed Classes Federation; President, Central Provinces and Berar Matang Society. } Scheduled castes.

## Bombay witnesses.

BOMBAY, December 9, 1935.

252. Sir John Abercrombie, Kt. .. .. } Bombay Chamber of Commerce.

253. Mr. W. G. Lely .. .. } Bombay Presidency Trades Association.

254. Mr. L. A. Stronach .. ..

255. Mr. Manu Subedar .. .. } Indian Merchants' Chamber.

256. Mr. L. R. Tairsee, M.L.C. .. .. }

257. Mr. J. K. Mehta, M.A. .. .. } Muslim Political Association, Surat District.

258. Mr. A. M. Sheikh .. ..

259. Diwan Bahadur A. Ramaswami Mudaliyar.

260. Lady Ramabai Pradhan .. .. Women.

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300. Mr. Jamshed Nusserwanji Mehta .. .	..	
301. Mr. Naraindas Anandji Bechar .. .	..	Labour.
302. Shaikh Abdul Majid Lilaram, M.L.C. .. .	..	
303. Mr. Mahomed Hashim Gazdar, M.L.C. .. .	..	Karachi City Muhammadan seats.
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305. Khanzada Ghulam Ahmad .. .	Kohat.
306. Khan Sahib Ghazi Mir Jan Khan .. .	Wazir tribes.
307. Khan Sahib Sher Jan Khan .. .	
308. Mr. Ghulam Jilani Khan .. .	
309. Mr. Muhammad Sarwar Khan, Tarkheli .. .	Haripur tahsil.
310. Miss Rafi, Head Mistress, Government Normal School for Women, Peshawar.	Women.
311. Khan Bahadur Malik Muhammad Amin Khan, O.B.E., M.L.C., of Shamsabad.	Attock.
312. Major Sardar Muhammad Nawaz Khan, Sardar of Kot Fateh Khan.	
313. Sardar Dost Muhammad Khan, I.O.M., O.B.E., Thatta.	
314. Sardar Mumtaz Ali Khan, Campbellpur.	
315. Pir Syed Lal Badshah, Sajjadanashin, Makhad.	
316. Khan Bahadur Malik Muhammad Khan, Zaildar Jamman.	
317. Malik Sher Muhammad Khan .. .	
318. Sardar Ahmad Buksh Khan .. .	

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319. Lala Padampat Singhania .. .	Federation of Indian Chambers of Commerce and Industry.
320. Mr. D. G. Mulherkar .. .	

January 2, 1936.

321. Mr. A. G. Clow, C.S.I., C.I.E., I.C.S. .. .	Secretary to the Government of India, Department of Industries and Labour.
322. The Hon'ble Mr. T. A. Stewart, C.S.I., I.C.S. .. .	Secretary to the Government of India, Department of Commerce.

January 3, 1936.

323. Mr. T. Chapman Mortimer, M.L.A. .. .	Associated Chambers of Commerce of India.
324. Mr. I. H. Blackwell, M.C., M.L.A. .. .	
325. Mr. B. Shiva Rao, M.A. .. .	
326. Mr. N. M. Joshi, M.L.A., J.P. .. .	
327. Mr. Syed Munawar, M.L.C., J.P. .. .	National Trades Union Federation.
328. Mr. M. S. Kotiswaram, B.A., B.T. .. .	
329. Mr. H. A. Antrobus .. .	
330. Mr. J. S. Graham .. .	Indian Tea Association, Calcutta.
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